43526

National Library of Canada | Bibliothèque nationale du Canada | CANADIAN THESES ON MICROFICHE | THÈSES CANADIENNES SUR MICROFICHE

NAME OF AUTHOR/*NOM DE L'AUTEUR* Gregory E. Pyrcz

TITLE OF THESIS/*TITRE DE LA THÈSE* Voluntary Social Co-operation in the Liberal Regime

UNIVERSITY/*UNIVERSITÉ* U. of A. University of Alberta

DEGREE FOR WHICH THESIS WAS PRESENTED/ *GRADE POUR LEQUEL CETTE THÈSE FUT PRÉSENTÉE* Ph.D.

YEAR THIS DEGREE CONFERRED/*ANNÉE D'OBTENTION DE CE GRADE* 1979

NAME OF SUPERVISOR/*NOM DU DIRECTEUR DE THÈSE* T. C. Pocklington

Permission is hereby granted to the NATIONAL LIBRARY OF CANADA to microfilm this thesis and to lend or sell copies of the film.

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission.

L'autorisation est, par la présente, accordée à la BIBLIOTHÈQUE NATIONALE DU CANADA de microfilmer cette thèse et de prêter ou de vendre des exemplaires du film.

L'auteur se réserve les autres droits de publication; ni la thèse ni de longs extraits de celle-ci ne doivent être imprimés ou autrement reproduits sans l'autorisation écrite de l'auteur.

DATED/*DATÉ* June 20, 1979 SIGNED/*SIGNÉ* [signature]

PERMANENT ADDRESS/*RÉSIDENCE FIXÉ* 10620-69 Ave
Edmonton, Alberta
T6H 2C7

NL-91 (3-74)

National Library of Canada

Cataloguing Branch
Canadian Theses Division

Ottawa, Canada
K1A 0N4

Bibliothèque nationale du Canada

Direction du catalogage
Division des thèses canadiennes

NOTICE

The quality of this microfiche is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us a poor photocopy.

Previously copyrighted materials (journal articles, published tests, etc.) are not filmed.

Reproduction in full or in part of this film is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30. Please read the authorization forms which accompany this thesis.

THIS DISSERTATION
HAS BEEN MICROFILMED
EXACTLY AS RECEIVED

AVIS

La qualité de cette microfiche dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de mauvaise qualité.

Les documents qui font déjà l'objet d'un droit d'auteur (articles de revue, examens publiés, etc.) ne sont pas microfilmés.

La reproduction, même partielle, de ce microfilm est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30. Veuillez prendre connaissance des formules d'autorisation qui accompagnent cette thèse.

LA THÈSE A ÉTÉ
MICROFILMÉE TELLE QUE
NOUS L'AVONS REÇUE

THE UNIVERSITY OF ALBERTA

VOLUNTARY SOCIAL CO-OPERATION IN THE LIBERAL REGIME

by

GREGORY E. PYRCZ

A THESIS

SUMBITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGRFE

OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF POLITICAL SCIENCE

EDMONTON, ALBERTA

FALL, 1979

THE UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled "Voluntary Social Co-operation in the Liberal Regime"

submitted by Gregory E. Pyrcz

in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Political Science.

.....
Supervisor

.....

.....

.....

.....
External Examiner

Date April 30, 1979

Dedication: To H.

ABSTRACT

The question of voluntary social co-operation, why anyone ought heed the directives of government when he cannot be or is not so directed by law, receives scant attention by students of political obligation and authority. The analysis herein addresses the question of voluntary social co-operation, illustrating its political importance and theoretical relevance.

The analysis focuses on the question of whether a prudentialist based liberalism is capable of providing a moral underpinning for voluntary social co-operation.

The central line of argument advanced is that prudentialist based liberal theory is capable of providing only a very weak justification for voluntary social co-operation, the implication of which is a reliance of most liberal regimes on ideology.

The prudentialist liberal model is contrasted with earlier political conceptions which appear capable of answering the question consistently. Emphasis is placed on the Rousseauian conception.

ACKNOWLEDGEMENTS

I owe a special debt of gratitude to Professor Tom Pocklington, the chairman of my supervisory committee. His subtle leadership was vital in bringing the dissertation to fruition. I have also benefited in no small way from the critical interest of other members of my committee: Professors D.J.C. Carmichael, F.C. Engelmann, Wes Cooper, and Jene Porter. I thank them all sincerely.

I am deeply grateful to my wife, Heather, for her patience, encouragement, and interest in the project. And to my parents for their support, financial and moral.

I wish also to thank Ms. Darlene Lenders for her proficient and patient preparation of the manuscript.

TABLE OF CONTENTS

CHAPTER		PAGE
ONE:	Introduction	1
	I. Introduction: The Problem of Voluntary Social Co-operation	1
	II. The Terrain	3
	III. Central Concepts	5
	IV. The Focus of Analysis	10
	V. A Sketch of the Argument	11
	Notes to Chapter One	15
TWO:	The Politics of Non-co-operation	17
	I. Introduction	17
	II. Classical Liberalism: Voluntary Social Co-operation by Definition	18
	III. The Contemporary Liberal Setting	21
	IV. Legislation and the Problem of Foot-dragging	24
	V. The Cost of Legislation	27
	VI. The Rolling Stone Effect of Legitimacy Functions	29
	VII. The State's Role in Economic Development	33
	VIII. Some Ideological Options for Loyalty Creation	40
	VIX. Summary and Conclusion	43
	Notes to Chapter Two	44

CHAPTER PAGE

THREE: Prudentialist-based Liberalism 45

I. Introduction 45

II. The Rationality of Participation 47

III. Threshold Functions 58

IV. The Ideological Function of Loyalty 63

V. Classical Utilitarianism 67

VI. Conclusion 72

Notes to Chapter Three 74

FOUR: John Rawls: Legitimacy and Justice in the Liberal Regime 77

I. Introduction 77

II. Rawls' Statement of the Problem 82

III. The Natural Duty of Justice 85

IV. Choosing a Principle of Loyalty 91

V. A Noble Lie in Rawls? 99

VI. A Sense of Justice and the Full Theory of the Good 101

VII. Conclusion 103

Notes to Chapter Four 105

FIVE: Political Obligation and Voluntary Social Co-operation: The Extension Thesis 107

I. Introduction 107

II. The Status of Law 109

III. Obligation Theory Problems 115

IV. Distinguishing Categories of Authority 121

CHAPTER PAGE

FIVE (Continued)

V. Conclusion 126

Notes to Chapter Five 127

SIX: Conclusion 129

I. Introduction 129

II. Pre-liberal Conceptions 131

III. The Alternative Model 138

IV. Organic Structure and Equality 141

V. Conclusion 147

Notes to Chapter Six 149

BIBLIOGRAPHY 151

LIST OF DIAGRAMS

Diagram	Page
One	60
Two	62
Three	68
Four	69

CHAPTER ONE

Introduction

I. Introduction: The Problem of Voluntary Social Co-operation

A central concern of political philosophy is the relationship of the citizen to his government. It is also the concern of most governments. In government, one is interested in knowing how authority is created and sustained. In political philosophy, one seeks to know if and to what extent the authority of governments is justifiable. In the main, liberal democratic governments have been more successful in their task than have been liberal democratic political philosophers.

In modern liberal democratic political philosophy the major way in which the relationship of the citizen to the authority of his government has been evaluated has been through the examination of the citizen's political obligation.[1] This approach, I will argue, is insufficient. It is so because it systematically sets aside a key question in the relationship, the question of voluntary social co-operation.[2] That is, it sets aside the question of whether (and under what conditions) the citizen is duty-bound to heed his government's direction when he cannot be or is not so directed by laws.[3]

In this essay I focus on the question of voluntary social co-operation in the liberal regime. I argue for a recognition of its political significance and analyse the strength of liberalism as a political theory in its ability to treat the question. My analysis is focused upon liber-

alism that is prudentialist in character.[4] I advance the claim that such liberalism is able to underwrite only very limited or weak principles of voluntary social co-operation. They are, at best, principles that would not adequately underwrite the levels of voluntary social co-operation existing in most contemporary liberal societies. As such levels of voluntary social co-operation are necessary for contemporary public policy the absence of their justification requires a reliance of most on ideology.

The question of voluntary social co-operation I pose has received only scant attention in contemporary political philosophy. Its closest analogy, loyalty, has received little more, most of it socio-psychological.[5] Yet most political analysts recognize the importance of legitimacy in politics. It has become increasingly accepted that no regime, government, or state can continue to exist without the active commitment of most citizens to its preservation.

> Regimes resting on legitimacy tend to be more stable and leaders seek legitimacy as a means of stabilizing their rule. Why? ... Legitimacy makes it easier for the leaders to make decisions under difficult situations ... if the authority of leaders rests on a legitimate base, then the acceptance of their justifications by either the population at large or powerful contending groups can carry the leaders through crisis periods .... Thus, rulers cannot rely solely on instrumental legitimacy as a means of strengthening their rule.[6]

Legal obedience, particularly in the liberal regime, is not sufficient to satisfy a government's requirements for legitimacy.[7] Governments must rely, to varying degrees, on the citizen's willingness to satisfy the intended ends of public policy. Whether a government in a liberal regime has the right to expect this co-operation, whether citi-

zens have a duty to voluntarily support their governments and regimes is the subject of the following investigation.

II. The Terrain

A fuller discussion of the political character of the question of voluntary social co-operation is provided in Chapter Two. To illustrate the political referents of voluntary social co-operation here I offer four case study examples: co-operation between groups when requested by government or implied by the regime[8]; co-operation of citizens in satisfying the intended ends of public policy[9]; co-operation of citizens in refraining from exploiting social plans to their individual benefit[10]; and, political participation (as voting)[11].

On the surface these four cases appear divergent and disanalogous. Yet they share a number of common features. In each a citizen or group is directed by his (their) government or regime to advance the ends of public policy or regime when they are not required by law to do so. In all four cases, further, voluntary co-operation provides two distinguishable effects: the good of the practice itself[12] and the legitimacy and (therefore) the security of the government which advances it and the regime in which it is advanced[13]. Finally, each invites a principle that would provide prima facie grounds for co-operation.

In each of the cases, moreover, there is a similar problem. It is to provide a justification for the co-operation of a citizen when his co-operation contributes mainly to the legitimacy of his government and regime. As such the problem of voluntary social co-operation I address

is independent from yet similar to the standard problems of social co-operation.[14]

In analysing the strength of various forms of prudentialist-based liberalism as regards the question of voluntary social co-operation I rely heavily on the example of voting. It is this case, to my mind, which most clearly illustrates the problem of securing a principle of voluntary social co-operation which goes beyond the mere preservation of practices and institutions. Moreover, the voting example allows one to focus on the legitimacy produced by voluntary social co-operation for a government and a regime. Finally, the voting example is one in which the costs of voluntary social co-operation for the citizen are comparatively low. If a political theory cannot generate a principle to govern one's voluntary co-operation in this instance, then it is likely that it would encounter more serious problems in those instances where the costs are great (e.g. labour-capital co-operation in an economic restraint policy).

For any of the examples of voluntary social co-operation I present, however, one might counter that co-operation when not forthcoming can be secured through legislation. Thus one might maintain that the problems of voluntary social co-operation are, in principle, corrigible. This possible counter, I will argue, is mistaken. No government can govern successfully over time by an exclusive reliance on coercion. Clearly no liberal government could use extensive coercion and maintain its integrity. Further, as I will argue in Chapter Two, legislated co-operation is, in many cases, insufficient, even when obedience is assumed.

The political terrain of voluntary social co-operation can shift across policy areas. In various societies different cases of the problem of voluntary social co-operation are prominent. Yet the question remains constant: why ought any citizen co-operate with his government when he is not required to by law — to what extent and under what conditions? Moreover, a systematic absence of voluntary social co-operation would threaten the existence of any government or regime.

III. Central Concepts

In the analysis which follows a number of concepts are employed which require initial clarification. I discuss here the following: 'liberalism', 'voluntary social co-operation', 'ideology' (two senses), and the 'state', 'regime' and 'government of the day'.

(1) liberalism

In citing 'liberalism' as a concept one senses that he is citing the obvious. This illusion, I suspect, is a result of confusing two quite different meanings of the word, 'liberalism' as a principle and 'liberalism' as a political evaluative paradigm. As a principle, liberalism characterizes and distinguishes between regimes as regards the relative absence of state coercion in the life of the individual citizen. This definition already assumes much about our understanding of social life; yet it is a rough tool which distinguishes and entails a value which is seen as above repute: individual liberty. All paradigms which include the recognition of individual liberty as a primary value are liberal.

However, the principle of liberty itself does not constitute liberalism as a comprehensive political paradigm. Although there is a clear tradition of liberalism running through to John Rawls, the character of this liberalism has, at times, been relatively diverse. The diversity derives largely from two factors: the character of the justification of the principle and the evaluative principles which, in the formation of liberalism as a theory of society and politics, accompany the principle. Given these two factors, one can easily imagine two quite different regimes both of which could be seen as liberal. A regime inspired by L.T. Hobhouse and one inspired by Robert Nozick ought both to be seen as liberal.

Acknowledging the diversity within the liberal tradition and the implication that one cannot therefore treat the tradition as a single idea or single thread of ideas, however, does not mean that one cannot generalize about the tradition at all. The liberalism which this essay evaluates is one such generalization. The liberalism considered is characterized by the following. First is the priority of the value of individual liberty. The view is that each individual to the greatest extent possible (given the psycho-socio-economic conditions of his society) ought to be allowed to pursue his own ends free from the coercive interference of the state. Second, the ends pursued by the individual are ends which he himself chooses.[15] Third is a principle of rationality in the pursuit of ends whereby more of a good is to be understood as preferable to less and whereby the more efficient means to end satisfaction are to be understood as preferred. The liberalism considered, then, is

one in which the fundamental principles of political evaluation are want-regarding.[16] Stated in the above fashion, liberalism invites rude contrasts between want-regarding and ideal-regarding principles of politics. This contrast need not be so striking, however, as the liberal tradition brings with it a positive pre-supposition about the psychological character of man. Running throughout Mill's On Liberty, and found in Rawls' Aristotelian principle, it is perhaps most clearly stated by Hobhouse. 'Liberalism is the belief that society can safely be founded on this self-directing power of personality, that it is only on this foundation that a true community can be built, and that so established its foundations are so deep and so wide that there is no limit that we can place to the extent of the building.'[17]

This definition of liberalism is chosen for the analysis that follows for two reasons. First, of all alternatives, it is the liberalism of contemporary liberal societies. Second, it is not only a definition of liberalism in the liberal tradition but is the dominant understanding of liberalism in the tradition.

(2) 'voluntary social co-operation'

As I suggest above, the concept of voluntary social co-operation is meant to carve out of the conceptual terrain of authority a limited meaning concentrating on one dimension of the citizen's relationship to the authority of his regime, the extra-legal dimension. The idea of co-operation in our current philosophic literature is one borrowed from the language of game theory. To co-operate is to assume the costs of joint projects. Generally, these projects can be seen as securing ends in the

interest of all. My usage will differ in three ways. First, a co-operative project need not imply that the ends pursued be recognized as in the 'public interest,' although requests for voluntary social co-operation are often cloaked in such terms. However, all such co-operation is in the interest of the government which promotes it. Second, my use of the concept requires that the actions which satisfy the ends of co-operative ventures must be voluntary, not coerced by threat of punishment. In an important sense one is co-operating when one obeys laws but this form of co-operation is excluded from the definition I advance. Finally, my use of the expression requires that the behaviour in question is either explicitly promoted by the government of the day or implicitly 'recognized' by reference to the principles which govern the regime. In a liberal-democratic regime, for example, it is not necessary for the government of the day to request political participation. Such participation is implied by the assumptions and principles which define the democratic regime.[18]

(3) 'Ideology'

I employ two senses of the concept of ideology in the essay. The first sense is narrow and pejorative. Prescriptions are ideological, in this first sense, if they require action which is inconsistent with the principles they are meant to support. For example, where a religion which is based on principles of brotherly love prescribes the exclusion of people of a particular ethnic or racial background the prescription is ideological — as are the beliefs which incorporate it. It is so because it is logically, morally and perhaps even motivationally incompatible

with the principles of the institution it is meant to support. The major feature of this first sense of ideology is its focus on the consistency between the principles which govern an institution or regime and the prescription for action these institutions or regimes promote.

'Ideology', is used in a second sense, exclusively in the final chapter. I employ 'ideology' in this second sense to refer to the Rousseauian notion of a public religion. 'Ideology' here is a range of beliefs, a world view, used to support and promote patterns of behaviour within one's political community.

These two senses, while related, are distinct. A duty of voluntary social co-operation may be included in an ideology in the second sense, yet need not be ideological in the first sense.

(4) the 'state', the 'regime', and the 'government of the day'

I employ three concepts to distinguish the objects of the citizen's governmental relation. First, the 'state' refers to those institutions, offices, roles, and machinery through which laws are created and enforced. No existing nation is free from the state, although important differences exist between the extent to which the state mediates the relations between persons. I refer to the hegemony of the state to indicate significant penetration of society.

States are distinguished in their institutional structure and the character of the policy they enforce by the regimes which govern them. I refer to a regime, then, to denote a particular structuring of institutions (governed by the principles through which the regime distinguishes itself), a particular set of priorities and limitations in the creation of

policy, and a particular understanding of the general character of the relationship between state and citizen.

Within regimes, the persons and parties which hold office can, as well, be distinguished. They are distinguished primarily by how they identify the means through which the ends of the regime are to be best fulfilled. I refer to these differences by employing the concept 'government of the day'.

This particular conceptual framework is meant to allow a recognition of dependency between the three such that a change in the government of the day can mean a change in both the character of the state and the regime. In terms of legitimacy functions, then, the citizen cannot systematically distinguish between support for the government and support for the regime.

IV. The Focus of Analysis

The analysis which follows is limited to the treatment of the problem of voluntary social co-operation in liberal theory and liberal regimes. My focus on liberalism is supported by two reasons. First, because of the 'openness' a principle of liberty gives the liberal regime, questions of loyalty are more salient in such regimes. Liberalism, in whatever its form, is characteristically a voluntary conception of society. The liberal regime relies, more than most other regimes, on the uncoerced contributions of citizens to insure the health of the society and polity. Second is the fact that a liberal theory of politics rests on a set of moral principles. It is my view that liberalism, in the form

in which I address it, is thereby particularly prone to theoretical contradictions on the question of voluntary social co-operation. This problem in liberalism is interesting by itself. But when coupled with the apparent incapacity of existing liberal regimes to meet the expectations for political life the model holds out, the importance of identifying the limitations of the model is augmented. Whether liberal regimes and liberal theory are worth saving is a question which goes beyond the present investigation. My interest is simply to identify one of the limitations both appear to face.

V. A Sketch of the Argument

In the following chapter I defend the view that voluntary social co-operation is a necessary dimension of the political life of liberal regimes. Clearly, the significance of my analysis of the limitations of prudentialist-based liberalism on the question is contingent upon the recognition of both the theoretical and political relevance of the question of voluntary social co-operation. I argue that requirements for regime support exist in the context of present liberal societies and that a failure to produce such co-operation within the regime threatens its fundamental political security.

In the subsequent two chapters, Chapters Three and Four, I discuss the possible responses of liberalism to the question of voluntary social co-operation. I do so by investigating the currently recognized forms of prudentialism which are taken as the evaluative presuppositions of contemporary liberalism: simple prudentialism, utilitarianism, and

Rawlsian proceduralism. My procedure is to address each in terms of the 'logic' implied by its principles to establish whether any can secure a principle of voluntary social co-operation.

In doing so I distinguish between the levels of co-operation required to maintain an institution or practice (Threshold Support) and that which secures more than mere maintenance - secures healthy, fully functioning institutions or practices and the legitimacy of the government which promotes it - (Beyond Threshold Support). I concede that Threshold Support can be justifiably prescribed by prudentialist based liberal theory but argue that support beyond this cannot. As such, the degree to which prudentialist-based liberalism can engender a duty to support one's regime is one which preserves government and regime in a state of perpetual instability, a state in which ideological beliefs must function to maintain the continuation of these regimes. Further, I argue that the meeting of only minimal requirements of co-operation, over time, can be seen motivationally to undermine the strength of most policy initiatives. Thus, threshold meeting in voluntary social co-operation does not provide the security of authority Andrain and others have suggested is required in 'crisis periods'.

With respect to the ideological dimension of regime support, I illustrate the point that while none of the evaluative backgrounds to contemporary liberalism secures a strong principle of voluntary social co-operation, each appears to allow, given the acknowledged constraints of the theories, for the promotion of the ideological function. This function, although it may provide a motivational grounding for the contempor-

ary liberal regime, is unacceptable, I argue, as it damages the integrity of the principles it is meant to support.

In Chapter Five I approach the question from an alternative perspective. I examine what I call the 'extension thesis'. It would maintain that given a secure principle of political obligation compatible with liberal politics this principle could be extended to secure a duty of voluntary social co-operation. I argue that the extension thesis is unacceptable since the principle of liberty, the cornerstone of liberal theory, requires a distinction between law and other governmental directions. The extension thesis would require that the distinction be conflated thereby damaging the strength of obligation theory in the liberal tradition.

Finally, in Chapter Six, I contrast the contemporary liberal paradigm with a re-constructed pre-liberal paradigm to suggest why liberalism faces my claimed limitation. In doing so, I provide a tentative sketch of a plausible model of liberalism which would not be so limited.

The arguments which follow are advanced by reference to two sorts of claims, two kinds of analysis. The first, and most prominent, is conceptual-logical. Arguments supporting these claims are meant to stand without further defense. The second sort is broadly social psychological. This type of analysis is employed particularly in Chapters Two and Three. Arguments supporting this analysis are meant to provide an initial case. However as the claims are empirical in nature, a full analysis would require extensive empirical examination. This task is left for future research. In the main the argument against prudentialist liberalism de-

pends upon conceptual analysis.

The general conclusion of the essay, that the prudentialist-based liberal regime is incapable of justifying a strong principle of voluntary social co-operation consistent with its conceptual framework is significant, I believe, in that it delineates a clear limitation of the boundaries and strengths of prudentialist liberalism as a theory of politics. If prudentialist liberalism is not capable of underwriting voluntary social co-operation and if such co-operation is a requirement of contemporary social policy, then contemporary liberalism can be seen to be faced with an irreconcilable problem. It is a problem which can only be met by presupposing ideological features of political life, a presupposition incompatible, I argue, with the integrity of the theory.

Notes to Chapter One

1. The central questions of this investigation in contemporary political philosophy are: when, why and under what conditions is the citizen obligated to obey the law?

2. A systematic concentration on legal obedience as the 'test' of authority is a function, I argue in Chapter Five, of a necessary distinction between law and other government requests, directives, commands, etc.

3. The general question of social co-operation, why ought anyone contribute to jointly benefical projects, receives considerable treatment. The question I raise, however, is not fully similar since my question concentrates on the legitimacy produced by various forms of co-operation when such co-operation is underwritten by one's government or implied by the principles which define one's regime.

4. The liberalism discussed is construed by reference to various forms of prudentialism (and restrained prudentialism) which serve as the evaluative basis of most contemporary conceptions of the theory. See more detailed explanation in Chapter One, III.

5. Two treatments are worth note. Morton Grodzin's The Loyal and the Disloyal (Chicago: University of Chicago Press, 1956) is an investigation of the general motivational grounds of various forms of disloyalty (including the systematic withdrawal of voluntary social co-operation). Paul Wolff in The Poverty of Liberalism (Boston: Beacon Press, 1968) raises the question I have identified. His analysis, however, assumes the controversial. He implies throughout his analysis that in a good liberal-democratic regime, voluntary social co-operation is a duty, and it is only in circumstances of regime decay that such authority of one's government is misplaced.

6. Andrain, C. Political Life and Social Change (2nd edition). Belmont, California: Duxbury Press, 1975, pp. 157-58

7. This claim is argued for in Chapter Two.

8. Two particular examples come to mind here: labour and capital co-operation in a voluntary economic restraint policy, and regional co-operation, as illustrated by Canadian national unity policy. For each of these policies to be fully effective the legal obedience of the citizen to even carefully drawn legislation is insufficient. cf. Chapter Two.

9. The example I have in mind here is civil rights legislation which requires, if it is to be fully effective, that citizens go beyond legal obedience to legislation, that they commit themselves to fulfilling the intentions of such policy. cf. Chapter Two.

10. This case is perhaps the most obvious. My treatment of it would focus on the effect of free-riding on the government which sponsors such programmes.

11. A defence of my focus on voting is presented below.

12. For example, labour-capital co-operation may provide for the economic security of an economy, voting provides popular governments, regional co-operation provides for economic, social and political stability, etc.

13. All such cases, therefore, have a double function. This makes an analysis of them particularly difficult. It is the concentration on both functions of voluntary social co-operation that I believe distinguishes my analysis.

14. That is, the justification for co-operation requires an analysis of similar problems (prisoner's dilemmas, the rationality of free-riding, etc.) yet the effects of these problems are not taken to be limited to the particular project of co-operation.

15. This presupposition of liberal theory is one tied to immeasurably more complex philosophic conceptualization. However, as further treatment of the underbelly of the idea is not required for the analysis which follows, I leave it as it stands.

16. Brian Barry distinguishes between want-regarding and ideal-regarding evaluative principles in Political Argument (London: Routledge and Kegan Paul, 1965, p. 53). He states of liberalism, 'Classical liberalism had other strands besides this one, no doubt, but one was certainly the idea that the state is an instrument for satisfying the wants that men happen to have rather than a means for making good men (e.g. cultivating desirable wants or dispositions in its citizens).' (p. 66).

17. Hobhouse, L.T. Liberalism. New York: Henry Holt and Co., 1913, p. 123.

18. That is, a government in a liberal regime need not publicly request a high level of participation for it to be appropriately understood as a direction of that government.

CHAPTER TWO

The Politics of Non-co-operation

I. Introduction

The question of voluntary social co-operation is one intimately linked to the legitimacy required by any regime. It is this linkage which, in large part, underlies the analysis of subsequent chapters. In my analysis of possible solutions to the problem of voluntary social co-operation offered by background conceptions to liberalism, I will consider the paradox of voting as an illustration of the problem. The problem of voluntary social co-operation is not, however, limited to those examples in which it is most clearly illustrated. Systematic and pervasive non-co-operation harms a regime extensively, primarily by undermining the confidence with which governments initiate public policy.

This chapter will illustrate the problem of voluntary social co-operation in its political setting, identifying a number of different ways in which it appears. It focuses on the problem in liberal society because the problem is augmented in this context and thus more open to analysis.

The chapter, however, has a second and more important purpose. It is to establish the importance of voluntary social co-operation as a political problem. Its resolution, I maintain, is necessary for the health and preservation of liberal and non-liberal regimes alike. This

is the case, I argue, for two reasons. First, without its resolution the effectiveness of public policy is radically limited. The limitations involved are not simply on the periphery of public policy, but rather cut widely across currently recognized policy perogatives. Second, I maintain that the role of the state, in its relation to the development of economic wealth, requires that the problem be resolved in order to maintain the social environment upon which economic development is dependent.

In advancing arguments to support this second contention, the strength of my analysis is contingent upon what I take to be a relatively safe undefended assertion. It is that to the extent allowed by the principles which define and justify the regime, the state functions, in part, to support and promote the patterns of production and consumption of the economic environment in which it exists. I do not intend to fill out the nature of this relationship here except to suggest that the state so functions by promoting a social and political climate consistent with and supportive of economic institutions. In the context of the liberal regime this relationship is limited by a commitment to extensive and equal liberty, and by extension, to the maintenance of relative autonomy between state and economic institutions.

II. Classical Liberalism: Voluntary Social Co-operation by Definition

One of the ways in which liberalism is distinguished from anarchism is by its recognition of the rightful use of law to produce social co-operation. Yet the use of law in classical liberalism is severely lim-

ited. The classical liberal regime is identified, in large part, by its commitment to limitations upon legal coercion which stem directly from the principle of liberty maintained. This principle, stated succinctly in Mill,[1] requires that the scope of law be limited to the employment of coercion only where a citizen's action directly interferes with the liberty of others. As such, law is understood as a mechanism both limited by and structured to allow the greatest extent of liberty distributed through a system of rights. Law is understood to be a coercive device, yet is justified by its consistency with a principle of extensive and equal liberty. The justification, however, is relatively restrictive in its implications for public policy.

Performative uses of law, understood here to be policy which coerces persons to act where they would otherwise choose not to and where their choice does not constitute a direct impediment to others' action, cannot be justified on classical liberal grounds. The classical conception concentrates on the law as a device to restrain those of our actions which limit others' liberty, not as a device to coerce us to expand their liberty. It is the view of the classical liberal that the equal and limited restraint of all produces, in society, the greatest amount of freedom for all.

The classical conception runs head on into a thorny problem, that the existence of liberties does not in itself guarantee the enjoyment of these liberties. Stated bluntly, a person cannot exercise his liberty fully when he is undernourished or impoverished. An adequate conception of freedom must therefore distinguish between the recognition and pro-

tection of liberty, and the ensuring of adequate conditions for its exercise. The response to this problem in society has been to adopt a series of policies which are intended to ensure that at least the minimal conditions for the exercise of liberty obtain.

The implications for classical liberal theory as regards voluntary social co-operation are quite plain. Consider first the problem for the anarchist. To the extent that any anarchist recognizes the importance of protecting the conditions of freedom he must rely on the voluntary social co-operation of the citizen. Most anarchist theorists recognize this. Indeed much of contemporary anarchist theory focuses on arguments for the possibility of such co-operation.[2] For the classical liberal, the situation is much the same. Again to the extent that the classical liberal recognizes the importance of creating the conditions for the enjoyment of liberty, he is committed to some conception of voluntary social co-operation. In modern societies, noted for their complexities (particularily for their economic complexity), for their reluctance to ignore social policy, and thus for their need for public policy, this extent is considerable.

The classical liberal can have it one of two ways. He can maintain the classical conception of liberty without a conception of voluntary social co-operation or he can maintain the two together. If he chooses the first option, he is forced largely to ignore the question of the conditions required for the exercise of liberty. If he chooses the second, he must be able to show why it is anyone ought to support public policy which secures the conditions for the exercise of liberty or govern-

ments which promote such policy. That is, he must address the question of voluntary social co-operation. The point is that only the rare radical libertarian would opt for the first choice.

III. The Contemporary Liberal Setting

Few current defences of liberalism, however, are made by strict reference to the classical model of English liberalism. Fewer still are liberal regimes which have so confined themselves. The preferred conception, contemporary liberalism, concentrates on the conditions required for maintaining the general system of liberties, recognizing the problems of power and scarcity.[3] Contemporary liberalism can be distinguished from its parent conception in two ways. First, it allows for the use of state coercion to secure conditions for the enjoyment of liberty by all. Secondly, it allows for the suspension of some liberties when required for the protection of the general system of liberties. The first change permits the enactment of social policy backed up by the power of the state. The second permits a government the use of coercion to react to crisis situations. Neither of these revisions of the liberal principle are meant to deny the theory of classical liberalism, a principle of extensive liberty. Nonetheless what becomes important in the identification of the liberal regime is the relative absence of coercion, and not the strict enactment of Mill's principle.

Both of these changes can be identified in existing liberal regimes. The increasing social welfarism of ostensibly liberal regimes is an example of the first modification. Examples of the second change are more

difficult to find. However, the suspension of civil liberties in the 'Quebec crisis' of 1970 is one example in recent Canadian history.

Social welfarism can take on many different justifications. The justification the liberal employs however, focuses on the importance of securing adequate conditions for the exercise of political opportunities. Rawls' defence of liberal politics[4] is an example of one such justification of social welfarism. Rawls, like his liberal precursors, values liberty above all. His defence of liberalism, however, is one in which he recognizes the problems of scarcity and unequal distribution of social goods. His response, in the most general terms, is to promote a principle of extensive liberty while permitting the state the right to coerce a nearly equal distribution of social goods (the means to the enjoyment of rights and liberties). As do most social democrats he promotes the constraining of economic liberties to ensure the exercise of political liberties.

The second change, the allowance of the suspension of liberties, is a less prominent shift in liberalism. To my knowledge this change is not one addressed nor advanced by liberal theorists. Yet it functions as an implicit understanding in most liberal societies. I discuss it here for its political relevance. Briefly, the argument is that where a society or where the society's general system of liberties is threatened, the suspension of some liberties is justified. This threat may be external to the society (e.g. war) or may be internal (e.g. revolution, racism). In either case, where such a threat exists, the state is taken to have the right to suspend some (or, in some cases, all)

liberties (temporarily) in an attempt to ensure the long range protection of extensive liberty.

The willingness of the contemporary liberal to limit some liberties to protect the conditions for the enjoyment of an otherwise relatively extensive system of liberty does not constitute a break with liberal thought. With both revisions noted above, the defence of the limitation upon liberty is based on a recognition of the essential preferability of extensive liberty.

Contemporary liberalism constitutes a strengthening of the classical conception, primarily in its recognition of the effects of power and scarcity in liberal societies. Not as clear is whether contemporary liberalism requires voluntary social co-operation. To examine this question I will initially concede the possibility that in contemporary liberalism, voluntary social co-operation is not an intransigent problem. Where social co-operation is not forthcoming and where it is required to provide for or protect the conditions of liberty in a liberal regime, this co-operation could be secured through legislative means. This 'solution' is deceiving, however, because it fails to appreciate the problems involved in securing social co-operation by law. Three of these problems are discussed below. The first is that co-operation created through coercion is seldom sufficient to ensure policy aims. This is the case because of the potential for foot-dragging (satisfying the law only to the extent required to avoid prosecution) in most areas of legislated social policy. The second two problems involve the costs of such legislation, economic efficiency and regime legitimacy.

IV. Legislation and the Problem of Foot-dragging

Consider the case of civil rights legislation. The problem such legislation is intended to resolve could conceivably threaten the society's system of liberties as a whole. Moreover, and more crucially, rights legislation is intended to ensure that all persons in society are able to enjoy political opportunities without respect to their differences. In order to ensure this, the liberties of some are limited by threat of punishment. With equal opportunity legislation this would mean that an employer, by law, must openly advertise positions without prejudice based on race or sex, show no (documentable) bias in filling advertised positions, and perhaps conform to quotas in actual hiring.

Such enforced co-operation does not conform to the classical conception of liberalism. The classical conception does not allow for the use of state power in structuring conditions of social equality. Yet the state's role can be considered liberal, indeed distinctly liberal in the revised sense. In some contexts, this would be because the total enjoyment of liberty is increased, in others because it prevents harm to the enjoyment of existing recognized liberties. In either case the citizen living under the authority of such regimes is understood to have 'bought' protection for an existing system of liberty by restraining his enjoyment of a particular liberty when coerced to do so by the state.

The problem of voluntary social co-operation, however, is not dissolved, in this instance, by the state's reliance on coercion. The problem remains as a question of the actual achievements of legislation,

given a commitment to selective coercion. As is evidenced by the case of civil rights legislation there appears to be a consistent gap between the intent of carefully drawn legislation and its effects. The character of the cause of this gap is, in many cases, difficult to isolate. Yet with civil rights legislation it is clearly a problem of the inability of legislation to enforce and cement beliefs and attitudes.

Given that the point of equal opportunities legislation is to provide the minority member of society with equal life prospects (partially in terms, here, of employment prospects), the legislation achieves its end only if employers are prepared to refrain from foot-dragging. In general terms a person foot-drags where he satisfies the letter of the law, yet deliberately seeks to avoid satisfying the intended ends of such legislation. The employer who follows the letter of the law, in the equal opportunity employment case, may still undermine the intent of the law by, for instance, structuring his 'in office' treatment of staff to prejudice the advancement of the minority person. A more illustrative example might be the Head Start program of the sixties in the U.S. This program was designed to provide extra pre-grade school education for the socially disadvantaged child. In real terms, this meant extra schooling for the children of minority race Americans, ideally giving them an even start in the economic race. Such a program would only work, it seems clear, if the teachers in the program were prepared to go beyond the letter of the law (i.e. actually providing the 'education') and were prepared to commit themselves to the intent of the legislation.

The possibilities of foot-dragging implies that no legislation,

where foot-dragging is possible, alone eliminates the state's requirements for voluntary social co-operation. Moreover, as the gap between the intent and effect of such legislation is one direct measure of a regime's legitimacy, the importance of achieving the fullest possible voluntary social co-operation goes beyond the problem addressed by the particular legislative area.

Similar problems are raised by most forms of social policies in the 'public interest', whether they are intended to secure national unity across ethnic-religious lines, to stabilize class antagonisms, or to secure conscientious political participation. All require voluntary social co-operation beyond simple legal obedience, even where the liberty of liberal regimes can be justifiably curtailed. As such, the problem is not exclusively one of liberal regimes. What distinguishes the liberal regimes from others, however, is that it cannot rely extensively on legislative means.

Unquestionably, effective legislation can achieve control of public behaviour to a considerable extent. But this is often insufficient and, at best, a prolonged stop-gap solution. As the civil rights case illustrates, legislation can be a superficial solution, a solution threatened by the potential for systematic undermining of legislative intent.

This limitation of the use of law secures the fundamentality of voluntary social co-operation across a wide range of policy requirements. Clearly, however, the problem of establishing it, and thereby the problem of justifying it, is not applicable to all policy prescriptions. All that is required, for example, is that drivers stop at red lights,

not that they do so with sincerity, with respect, nor with the proper beliefs in their hearts. Yet, in most areas of social cohesion, in any of their various policy forms, beliefs in the appropriateness of the intent of the policy and a willingness to voluntarily support these ends are essential. Without their production, the security of such policies is in jeopardy.

V. The Cost of Legislation

An attendant problem which argues against a reliance on legislative means to diminish the need for voluntary social co-operation is the cost of employing this coercive device. A case in point is a policy initiative structured to promote economic (wage and price) restraint. Such policies are often considered in contexts where inflationary spirals threaten the security of the even development of economic forces. As such, the instability created threatens the immediate security of economic prospects of many and are understood to reflect the need for state intervention.

Legislation consisting of curbs upon inflationary activity by major economic groups (business and labour groups) can become relatively effective. For example, setting limits to wage and price increases, as in the Canadian example of recent years, can provide some degree of temporary stabilization. Yet, the point of such state initiatives is to go beyond this temporary control (particularly in liberal regimes where permanent controls are not viewed as consistent with the principles of a free market). Rather, the point appears to be to change the

expectations of the various parties to economic production. A fully effective program would require, therefore, voluntary co-operation beyond the curbs established. It might, for instance, require that the leadership of dominant groups make a concerted attempt to legitimize restraint in the eyes of their members. It would certainly require that individual workers be prepared to accept the legitimacy of the state's response to the problem and to support this response.

Setting aside the claimed inevitability of a reliance on voluntary social co-operation to some extent the intentions of the state can be secured through complex legislation. A period of enforced restraint appears to have a motivational spill-over effect regardless of the legitimacy functions established. However, the cost of enforcing such legislation where legitimacy is not established would be considerable. Simply in terms of expenditures of government monies to regulate and promote such a policy, the costs would contribute to inflation (as such economic functions are not materially productive). Such costs may be efficient in terms of long range implications for the security of economic development or they may not. Yet their effects would tend to modify negatively the achieved ends of the policies of restraint in the short run. More important, perhaps, are the legitimacy costs of such expenditures. A policy of restraint in such cases is not motivationally effective where the author of the policy does not conform to the principles through which the policy is identified.

The revised liberal regime, therfore, must face limitations in its use of state power beyond those implied by a commitment to extensive

liberty. Certain forms of state interventionism carry with them both economic and legitimacy costs which often override the relative value of their effects. Other examples of this point are state investment in clearly unprofitable economic ventures, the intense policing of income tax legislation, or the extensive watchdogging of corporations in their channeling of investment capital. In these cases, and in many others, effective achievement of long-range security depends on the willingness of citizens (private and corporate) to recognize and freely co-operate with the intended ends of government policy.

VI. The Rolling Stone Effect of Legitimacy Functions

The conclusion to which one is led, given these de facto limitations of the use of legislation, is that one must focus on the creation of a generalized acceptance of policy ends, on legitimacy rather than exclusively on obedience. As such, a failure to develop a justified moral basis for voluntary social co-operation in general would weaken the ability of a regime in its attempt to secure a non-antagonist social fabric required for the maintenance of political and economic institutions.

Granting that the liberal state is distinct in its aversion to coercion, revised liberalism, it appears, could handle crisis situations where the crisis was focused on one area of public policy — simply by instituting legislation, acknowledging its effective limitations. However, a relative failure by a regime in producing voluntary social co-operation, where the ends of the policy are recognized by the regime

(during both crisis periods and in normal conditions) undermines, in motivational terms, the recognition of the regime's general legitimacy. Thus the effects of non-co-operation are not limited to inscribing the limitations of particular policy ends, but are felt, rather, across the breadth of legislative initiatives.

Consider. A hockey coach is faced with two players who are allowing their personal animosity to interfere with their performance as members of a team. The performance of other team members has, as well, been affected by the tension of this conflict. The coach publicly requests their future co-operation. The players decline. He then states a number of new rules (with attendant threats) to ensure their co-operation. The players' response is to observe these rules to the extent sufficient to escape the punishment, yet they maintain the conflict, boiling, as it were, beneath the surface of enforceable behaviour. Other team members, being sensitive as one could expect in such an analogy, are aware of the foot-dragging and thus the damaging effect continues to upset their performance (sides are quietly taken, etc.). The coach, in the locker room manner I suspect many government leaders secretly lust for, publicly calls for their full co-operation, for the cementing of a new 'friendship' based on the best interest of the whole team.

For now, suppose the coach fails in his attempt. What follows is perhaps all too clear to the experienced fan. The immediate effect is that the performance of other players, dependent in part on the resolution of the conflict, is eroded further (passing becomes sloppy, little

effective back checking takes place, etc.). More importantly, any subsequent calls by the coach for special effort are met with an immediate reluctance (a lack of respect and trust) which often, by itself, is sufficient to deny its production.

This analogy in many ways parallels the problems of producing voluntary social co-operation in society (where, in particular, social stability is the end). Consider. In an imaginary society the state manages the delivery of mail. The government of the day has had a long history of labour disputes with the postal workers. Realizing that continued strikes damage not only the country's economic efficiency but as well its own popularity, the government institutes a new set of rules reluctantly agreed to by the workers. Yet foot-dragging becomes pervasive. Both citizen and government recognize its existence yet the state cannot punish it. The effect is damaging to the government not only with regard to its effect on mail delivery, but, importantly, in the confidence with which the government can call for co-operation in other areas.

What distinguishes the two examples is that for the hockey team there are two further means of resolution, for state and society there is usually only one. The hockey team can fire the coach. The effect of this is to remove the fear of team collapse by replacing the person who is its central figure of authority. The new coach faces a difficult task of handling a tendency towards suspicion, but he could (using more complex manipulative devices, or because of his own personal reputation, etc.) regain the lost motivational willingness necessary for the produc-

tion of voluntary co-operation.

This option is also open to the state in its attempt to maintain stable social relations. New governments, if popular, start with a relative clean slate in the production of voluntary social co-operation. Yet they are not free of the requirement for its subsequent creation. And if replaced too often or if a series of them fail in their attempts, the cumulative effect reproduces and exacerbates the tendency towards collapse, if not of the state at least of the regime. And importantly, this tendency towards collapse involves not only the breakdown of voluntary social co-operation within specific areas but across the gamut of public policy.

The second option for the hockey team, not effectively open to the regime, is the removal of the contentious players. For hockey teams this manoeuver is often successful in averting short term disaster. But while state authority can be used, in specific cases, to remove the leadership of non-co-operative groups, the success of such a strategy is limited, since problems of non-co-operation in society are seldom questions of personalities, but are firmly engrained in the relationship between group and government.

The analogies utilized above suggest a number of tentative conclusions. The most important of these is that breakdowns in legitimacy reflecting a reluctance to support a government in a particular area can have a motivational 'ripple effect' across the breadth of public policy. Even the use of coercion, I would suggest, becomes less effective where legitimacy functions are weakened. It is the case, evidenced generally

by the ability of established liberal regimes to stabilize relations in times of crisis, that the liberal society (and established non-liberal societies) can maintain themselves under conditions of an eroding motivational basis. Even apparently weak regimes are often resilient. Continued existence is ensured often through tough legislative measures (where the state is unified and legislation is enforceable) or through heavy injections of ideology. They continue, however, under the constant threat of their possible collapse.

VII. The State's Role in Economic Development

Where the state's role in the even development of the economy is brought into play, the requirements for the production of voluntary social co-operation are augmented. In what follows I provide what I hope is not merely an 'introductory textbook account' of the general character of the relationship between state and economy to briefly illustrate the augmented requirement for voluntary social co-operation.[5]

The primary goal of economic activity in most societies is the production and accumulation of wealth. What distinguishes capitalist means to these ends is that the production of wealth is controlled (through a system of ownership) by individual persons or groups. Wealth is produced through the manipulation of labour and the market. Much can be said of such systems beyond this. What demands our attention, however, is simply that the total wealth of such societies and thus the material prospects for all individuals within it is a function of the performance of the economic system in orchestrating the accumulation of wealth

through the even development of productive capacities.

The role of the state in this process is considerably more controversial. Of the many things that can be debated, one which is clear is that any regime, state, or government has an intense interest in the material prospects of the society it governs. Theorists of the role of state in society are currently focusing on two functions of this relationship in liberal societies.[6] To the extent allowed by the principles governing the practice of the state (extensive political liberty and relative autonomy of state and society)[7] the role of the state is to accommodate and promote capital accumulation within the economic sphere and to legitimize the productive and accumulative functions of the economy thereby providing stable social relations.

The liberal regime is distinct in its role of stabilizing economic relations. For, unlike other types of regimes, it cannot employ, in this role, extensive coercion. It cannot, that is, without undermining the integrity of its liberalism. In its revised form, the form which would allow selective coercion, the liberal regime is still limited in its reliance on coercion.

The regime's aim, then, if it is to be effective in advancing the economic prospects of the society, is to provide consensus and legitimacy functions which support the economic activity required for wealth maximization. Yet it must do so despite a number of countervailing forces. First, the economic model of rationality which sustains the capitalist productive system (and which often provides the basis of political evaluation in the liberal regime) appears to promote the activi-

ties of the free-rider or foot-dragger.[8] Further, the economic structure of capitalist production is inherently competitive, and the relations it produces ensure a distinct classification of society, a classification which, if nothing else, provides unequal life opportunities across social economic categories. As such, those in the worst off position in the classification have the least interest in legitimacy functions which promote the system of classification. An interesting example of this effect of class status on state legitimacy functions is Grodzin's account of Chicago night-club waiters:

> If members of an occupational group feel that the 'public' treats them like dirt, it is not unlikely that society will be repudiated by that group. And their attitudes toward the nation will be especially affected if the nation itself is thought to be responsible for the low status of the occupation. The night-club and banquet waiters could not directly relate their occupational status to state action. But they made the connection indirectly and in no uncertain terms. They identified the high and haughty spendors whom they served and hated as representative of the nation. The customers were an obvious and rankling elite, possessing women, money and leisure. They were responsible for the waiters low status. Hatred against those served was frequently expressed as hatred of the "system", the nation or the government.[9]

Grodzin's study was an examination of attitudes. What is surprising is not that waiters have such attitudes, but that this type of alienation from the regime is not as prominent throughout society as one might anticipate. The general point is that in liberal societies there exists a genuine potential for the systematic recognition and expression of non support for the regime.

Legitimacy is produced in liberal-capitalist societies, then, in the

face of two countervailing problems: that economic rationality permits the justification for foot-dragging and the potential for non-support from groups which suffer unequal opportunities in the economic system the regime attempts to legitimize.

These problems provide a serious challenge to the governments of liberal regimes, a challenge which can be met on three different levels. First, a government can provide an overriding justification against the rationality of foot-dragging (for example, through the positioning of a moral principle or through a re-analysis of the rationality in question). Or, it can provide a motivational basis which secures loyalty despite its economic irrationality. Finally, it might choose to undermine the effect of unequal opportunities through state promoted economic equalizers.

In the subsequent analysis I consider the first option and to a more limited extent, the second. The third option, however, deserves attention as well. The clearest instances of its operationalization are where a liberal regime takes on a social democratic character or where, for a variety of reasons, the regime or government of the day finds itself committed to limited forms of state intervention in economic activity. In recent history, the first clear examples of this shift in the role of the state (in Canada and Great Britain) involved the introduction of extensive welfare mechanisms to protect those citizens who were not and could not be protected by the economic system itself. These initiatives, together with increased regulation functions, have been followed by a direct role for the liberal state in the economic

system (e.g. state ownership of institutions ranging from public utilities to resource industries).

Recognizing that this social democratic initiative has further implications for the meaning of extensive liberty, the priority and centrality of the liberal perspective remains. Rawls' modification of classical liberalism can be seen, in part, as an attempt to integrate this social democratic thrust into a theoretical framework consistent with the liberal perspective on state and society.

The effects of the social democratic thrust in the liberal state, in terms of its motivational impact on the loyalty of citizens to regimes has yet to be fully investigated. Yet one may note two conceptual points which suggest motivational implications. First, state intervention in and regulation of the economic sphere is a limitation on the system of liberty which functions as part of the justification of such systems. Not only is the liberal regime thought good because it is liberal, but as well, one might suppose that the fact that it is liberal is one of the reasons it 'deserves' and receives the support of its citizenry.

If legitimacy is a motivational function of the existence of liberty in liberal regimes, increased limitations on the extent of liberty would create, motivationally, more problems for its production in non-legislated areas of public policy.

Secondly, liberal states are effective, in part, in the promotion of the socio-political consensus required by capitalist development by their perceived separation from the economic sphere. It is this appar-

ent separation which allows a citizen to identify his political liberty independently from his economic prospects. A breakdown of this independence alters not only a citizen's perception of the character of his liberty, but more importantly, logically commits him to the economic system by the exercise of his political opportunities (for example, voting).

The effect of the breakdown of perceptual distancing of regime and economy would further augment the grounds for non-co-operation. The rationality of loyalty in liberal regimes (if such rationality exists) would be undermined by direct state intervention in the economy where one's individual or class opportunities are left significantly unequal in the given economic situation.

Further, the state's role in limited economic redistribution, where this redistribution does not attain levels sufficient for the equalization of opportunities of the economically disadvantaged (e.g. welfare payments in the U.S. and Canada), while producing relative stability (i.e. removing extreme poverty as an existing condition for rebellion) need not necessarily produce a bias in favour of regime support. Being kept in a monopoly game by the generosity of the banker after one's opportunities of succeeding in the game are perceived as nonexistent would not likely be a solid motivational ground for one's commitment to the continuation of the game. Clearly the welfare functions of the contemporary liberal state are preferable to abject poverty, but to assume that they constitute a basis for voluntary social co-operation to a regime is naive.

Current trends towards the statitization of the economy in liberal

regimes which co-exist with capitalist economies cannot be accepted as possible means of sidestepping the problems of voluntary social co-operation. The effect of such trends appears rather to be the reverse. Increased activity by the state in economic life in liberal regimes threatens a principle of regime support (as applied to the economically disadvantaged). Motivationally, one might expect such interventionism to excite the tendency to free-riding and foot-dragging, primarily by collapsing the claimed separation of state and economy.

I have advanced, in the present chapter, three claims which are meant to support the view that voluntary social co-operation is a requirement of the liberal regime. The first of these is that governments within liberal regimes require the voluntary social co-operation of citizens in the enactment of their policy intentions. Secondly, in liberal regimes with anything more than limited social intentions, or in regimes faced with problems of social cohesion, this requirement is augmented. Finally, in considering the effect of state intervention in the economy, I have suggested that such interventionism does not provide grounds for avoiding the problem of voluntary social co-operation.

Voluntary social co-operation is a requirement of all regimes. In liberal regimes the requirement is more pronounced, largely because of the restrictions upon liberal regimes in the employment of coercion. Clearly such co-operation is produced, in motivational terms, by the creation and stimulation of beliefs in the appropriateness of co-operation with one's regime. This is so despite the fact, I will argue, that liberal theory does not provide a principle of voluntary co-operation

compatible with the principles which define and justify the liberal regime. Where this justified principle is absent, however, the belief system must be ideological in nature and it is with a discussion of the ideological character of loyalty production that the present chapter concludes.

VIII. Some Ideological Options for Loyalty Creation

A discussion of how voluntary social co-operation can be and is produced in regimes in lieu of a justified principle of co-operation deserves separate treatment. One can suggest a number of boundary-defining claims for this treatment based roughly on what has been argued heretofore. In particular, I intend briefly to discuss two questions, the plausible ideological content for the creation of loyalty; and some tentative implications of such loyalty for the character of the regime.

The process of securing (or attempting to secure) voluntary social co-operation through the use of ideology could involve two distinct procedures of mystification. The first would utilize a method of redescription whereby the interests of citizens are restructured. One example of such redescription would be the overstating of threshold requirements for societal maintenance. As I will argue in the subsequent chapter a prudentialist based evaluative procedure appears to be able to prescribe voluntary social co-operation in areas and to the extent required to prevent the collapse of the regime. As such, a threat of social war often is sufficient to underwrite the rightness of voluntary social co-operation with human rights legislation. Similarily, labour co-opera-

tion with capital may be right where its absence poses and likely assures class war. The process of mystification that could be used here is to overstate the implications of non-co-operation for the society. Strategies of this type may be and often are cloaked in the invocation of the 'public interest'.

Tied to this potential strategy is the strategy of positing long range interests without discounting their force through time -- a necessity of the prudentialist based conception of rationaltiy. A government might, for example, suggest that labour ought to co-operate with capital in the short run to provide the basis for economic advancement down the road, even for subsequent generations.

A second strategy for the ideological production of beliefs in the rightness of regime support would involve the simple promotion of principles of loyalty where no justification for these principles is (or could be) advanced. A regime might promote a general duty of loyalty either independently or in conjunction with the promotion of the values of citizenship. In either case, institutions of the state could become involved in the promotion of such values, the central plausible institution being state run schools. Clearly, more subtle mechanisms of legitimacy supporting beliefs could be employed, but they would differ from these two central strategies largely in the degree of subtlety which characterized them.

None of these strategies is sufficient as a justification of loyalty. The first, the redescription strategy, largely because it would involve public lying, a procedure which while not foreign to all political con-

ceptions, would challenge the integrity of all existing conceptions of liberalism. The simple positing of a duty of loyalty is similarily unacceptable to the liberal conception of society. The duty of loyalty, a fundamentally tory idea, requires the positing of the interests of the social whole as fundamental. Such a principle would undermine the presumption in favour of the individual's liberty, a presumption established and required by liberalism. Finally, cloaking a duty to cooperate under the rubric of citizenship is also unacceptable, for it would appear to require, when applied to any particular case, the rejection of individual particularism and antagonism, which again the liberal needs to sustain the basis of social, cultural pluralism.

Despite the inherent problems of the options for creating voluntary social co-operation (problems, here, which are unique to the theory of the liberal regime), they are employed. My concern in the analysis of the subsequent three chapters is to investigate whether liberalism, as a moral theory of politics, can underwrite their use or establish independent grounds for a prescription for voluntary social co-operation.

The implication of a failing in liberalism as regards this issue goes beyond, I feel, the delimiting of the boundaries of liberalism as a political theory. It would suggest further that increasing statitization of societies by liberal regimes, or increased ideological hegemony is not only the result of a regime reacting to increasingly complex problems. Nor could this tendency be understood as corrigible by a return to 'true liberal principles'. Rather, the tendency would have to be viewed, in part, as a product of the utilization of liberalism as a

theory for the structuring of state institutions and practices.

VIX. Summary and Conclusion

In this chapter I have argued that voluntary social co-operation is a requirement of the liberal regime. The case for classical liberalism is, I think, an obvious one. Liberal regimes without social policy are rare if not simply antiquated conceptions. I have argued further that contemporary liberalism faces the same requirement for voluntary social co-operation. Even if one grants the government of a liberal regime extensive rights for selective coercion, this is not, I have argued, sufficient for the creation of social policy. Moreover, the risks and costs involved in failing to create voluntary social co-operation are serious. An absence of voluntary social co-operation would, in the end, threaten the very existence of liberal regimes.

Put more simply, no regime can employ extensive coercion without great cost. Where this limitation is taken together with the need for public policy beyond that envisioned by the most radical libertarian, there must exist a justification for the voluntary support of governments in the securing of public policy ends.

The question I turn to in subsequent chapters is whether this justification for voluntary social co-operation can be secured within the evaluative frameworks which attend liberal theory.

Notes to Chapter Two

1. Mill, J.S., On Liberty. Cleveland: The World Publishing Co., Meridan Books, 1962, p. 135.

2. cf. Michael Taylor's Anarchy and Co-operation (London: John Wiley and Sons, 1976) and Nozick's Anarchy, State and Utopia (New York: Basic Books, 1974).

3. If one is to compare Rawls and Mill on the point of scarcity, although both recognize it, Rawls appears to be considerably more attuned to its importance. This shift in philosophic literature is, I would suggest, magnified considerably in contemporary politics.

4. Rawls, John. A Theory of Justice. Cambridge: The Harvard University Press, 1971.

5. I state the connection in its simplest form, a form with which, I believe, both proponents and adversaries of the capital market system would agree.

6. cf. James O'Conner, The Fiscal Crises of the State. New York, 1973.

7. This particular way of stating the limitation is mine. O'Conner states, "a capitalist state which openly uses its coercive forces... looses its legitimacy and hence undermines its basis of support." Ibid., p. 6.

8. See Chapter Three for an analysis of this problem.

9. Grodzin, Morton. The Loyal and the Disloyal. Chicago: University of Chicago Press, 1956, p. 186.

CHAPTER THREE

Prudentialist-based Liberalism

I. Introduction

The most common evaluative system which supports liberalism is prudentialist.[1] That is, liberalism is most often supported by a view which takes each individual's identification of his or her wants as the basis for socio-political evaluation and directs public policy to the maximization of want-satisfactions.

The marriage between liberalism and forms of prudentialism is not recent. Mill, for example, states in On Liberty, "It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions ...."[2] Brian Barry sees the relationship between liberalism and prudentialism as so intimate that he chooses to define liberalism in terms of one of the key prudentialist postulates.

> So far I have been discussing two theories with the common conclusion that neither want-regarding nor ideal-regarding principles should be used for prescribing the conduct of political events. In the rest of the chapter I examine the view that the ban should extend to only ideal-regarding principles in politics. For convenience, I shall refer to this position as 'liberalism'. Classical liberalism and other strands besides this one, no doubt, but one was certainly the idea that the state is an instrument for satisfying the wants that men happen to have rather than a means of making good men (e.g. cultivating desirable wants or dispositions in its citizens).[3]

Again, the prudentialism that attends liberalism may take on different forms. I discuss below two of these forms, simple prudentialism and utilitarianism. All, however, are prudentialist in that: 1) they take individual wants as the basis of political evaluation; in doing so 2) they acknowledge that the individual is best able to identify his/her own wants; and 3) they prefer more want-satisfaction to less.

The two forms of prudentialism I will discuss can be distinguished by reference to the direction they give the individual. Simple prudentialism, as I am calling it, directs the agent in his decisions to the maximization of satisfactions of his own identified wants and desires. It is the economic conception of man for which the closest analogy is the free market. Want-satisfaction is maximized overall, on this view, when each individual counts only his own wants in identifying and evaluating his interests.[4] On this view, the function of public policy is to provide an aggregation of interests which maximizes total want satisfaction. It is the 'lberalism' referred to above by Brian Barry.

The second form of prudentialism considered, utilitarianism, does not direct the citizen exclusively to the maximization of his own want-satisfactions. Rather it directs each citizen, in the identification of his interest, to the maximization of want satisfactions of all those affected by his decision. The central difference here is that in identifying my interest I must count the want-satisfactions of those affected by my decisions even though such satisfaction is not one of my identified wants. Again the function of public policyis to provide an aggregation of interests (as modified) which maximizes total want satisfaction.

My purpose, in the arguments which follow, is to show that full voluntary support for one's government or regime cannot be justified on either conception of prudentialism. The best that can be provided, I will argue, is for that degree of support necessary to prevent the collapse of the regime. A liberalism, then, that is supported by either conception is left without a justification for voluntary social co-operation.

I will argue beyond this that while a liberalism attended by these forms of prudentialism cannot provide a justified principle of regime support it can provide a justification for an ideology of co-operation.

II. The Rationality of Participation

Simple prudentialism, as I have briefly described it, is more exactly categorized as a self-regarding, want-regarding system of political decision making.[5] It is primarily an evaluative theory and in its support of paradigms of liberal politics it implies a range of prescriptions for a rational polity. It is self-regarding in that it takes as given the wants and desires of each citizen, understood individually, as he or she identifies them. Added to this is a conception of rationality consisting of a principle of efficient maximization of the satisfaction of wants and desires. This principle is the cutting edge of the evaluative function of the theory. It is understood, however, to be purely formal, free from any predisposition to particular ends. Implicit in the views of most proponents of simple prudentialism is one final basic assumption. It is that the final ends identified by individuals

share a common property which consists, roughly, in a preference for physio-psychological pleasure and a corresponding aversion to physio-psychological pain.[6]

These assumptions, taken together, characterize the core of what is brought to liberal political philosophy when it is grounded upon simple prudentialism. However, a range of second order postulates can be seen to be tied to these assumptions. Of these our attention will be focused on those concerning the voluntary social co-operation of individuals. Three are particularly germane. They are:

(1) that the satisfaction of others' wants is only justified when either (i) their satisfaction enables further satisfaction of one's own wants efficiently, or (ii) when their satisfaction is an end held by the agent in question;

(2) that most acts of social co-operation are understood to be burdensome (as occasioning pain).

(3) that any burden, to be taken up, must be compensated for by the quantity, certainty, propinquity, and/or quality of the want-satisfaction it occasions.

On this conception of simple prudentialism, providing a justification for voluntary social co-operation becomes problematic. I will illustrate the problems involved by reference to the case of voting. In doing so, I focus on one question of the rationality of voting raised by Anthony Downs.[7] Downs notes that voting is rational only when its expected returns outweigh its costs. In the case of voting, this would mean that the burden of going to the polls must be compensated for by the pay-off expected from the victory of one's preferred party, multiplied by the probability that one's own vote is essential for this

victory.[8] I will maintain, as does Downs, that on these grounds voting is seldom rational.

I will modify Downs' treatment of the question in two ways. First I will assume, as Downs does not, that the election of Party A or Party B constitutes a real difference to the advancement of one's interest. Second, while Downs considers voting independently of the question of legitimacy, I treat it as one example of voluntary social co-operation which produces legitimacy for both elected government and regime. Voting, then, is an act of voluntary social co-operation (where it is not made obligatory by law) that is often, and I expect wisely, utilized as a rough measure of the health of political institutions in general.

The act of voting, on the account under consideration, doubtless constitutes an inconvenience. It does so, if for no other reasons, because of the time, energy, and occasional frustration that characterizes it. For it to be rational on the prudentialist's account, then, it must be compensated for by the satisfactions it occasions. Three satisfactions might be posited. First, that voting is rational where its effects provide (indirectly) opportunities for future want satisfaction (i.e. the election of Mr. X or Government X might provide me with more avenues to the satisfaction of my wants than would the election of others).[9] Second, that voting is rational when the act itself occasions want satisfaction (that acting on a 'principle' gives pleasure even though the act itself is otherwise irrational). Finally, three, that voting is rational where one gets satisfaction from being 'on the winning side' or 'on the noble side'.

The first of these is, in my view, the strongest plausible account of the rationality of voting. However, choosing one's preferred candidate would work as a compensating satisfaction for the inconvenience of voting for the individual only where it was his vote which insured his desired outcome. Or where the probability that his vote would 'count' was sufficiently high to compensate for the inconvenience.

Choosing a government is not the only desired outcome one might see in the voter's example. One might be rational to vote where the practice of voting was threatened by insufficient turnout. Or where the legitimacy of the regime itself was threatened by insufficient turnout. I discuss these possible exceptions later in the chapter. For both, the rationality of my voting would turn on the probability that my one vote would produce the desired outcome.

In the case of voting, as in many cases of actions which confer legitimacy, it is seldom likely that any one individual's act will insure his desired outcome. Where a citizen's vote is but one of a plurality of votes which secured the desired outcome, his particular vote is neither a necessary not sufficient condition for the desired result.

This effect could be mitigated, one might suppose, where the citizen had little information of the probable outcome. Where I was unsure of the outcome of an election and where the outcome is important to the advancement of my interests, I would be rational to suffer the inconvenience of voting.

The voter in most circumstances, however, is aware of the probable outcome of the vote. He has sufficient information, from the press,

from past voting patterns, from his discussions with others, and indeed from the strength of his own preference, that either party X or Mr. X is going to win the election. That is, he has this information in what can be seen as normal conditions. His vote, in these conditions, where justification requires the probable affecting of outcome, is irrational. However, instances occur where this information is not sufficiently clear to him. In these instances the rational voter, I have suggested, must weigh the inconvenience of voting against the probability of his vote's real effect on the outcome. In these curious rare cases, his voting is rational even where his vote is neither a necessary nor sufficient condition of his candidate's success. However, it is only rational as a function of insufficient information. In the end, it is only fully rational where his particular vote affects the outcome. All of this, again, rests on the assumption that the election result actually makes a difference in the voter's future opportunities for want-satisfactions.

The voter in making his decision must know not only how his fellow citizens will vote but, as well, whether they intend to vote. If no one else votes, my voting is most certainly rational. Alternatively, the rationality of the voter's free-riding (opting out of voting while enjoying its benefits) is rational only if he knows that a significant number of his fellows intend to vote. As regards the selection of a government, this information is almost always available to the voter. As regards the thresholds required for practice and regime maintenance, again the individual voter has sufficient information in the normal

case. It would be bizarre to suppose that the individual free-ride voter in Canada could be surprised to find the next day that, for example, only 2% of the Canadian population had voted.

A voter, then, is only acting rationally, on this level of analysis, when the vote he casts reverses (or has a high probability of reversing) the probable outcome or when he has insufficient information to predict the outcome or finally, when he has information which predicts insufficient turnout to protect the institution of voting.

Yet voting is apparently quite prevalent, well beyond the demands of the analysis of rationality provided above.

I consider, therefore, the possibility of the second type of satisfaction suggested earlier, that one can receive satisfaction from acting on a principle (here a principled citizenship) even when the act is otherwise irrational. This is not a view which any prudentialist, to my knowledge, maintains, but is nonetheless a plausible account of the rationality of voting. The simple idea here is that a person who has voted (irrationally) could maintain, 'I realize that my vote did nothing (or little) to affect the outcome, but I think voting is important and I enjoyed voting even though it was irrational'. I mean to suggest that the voter received enjoyment from the act itself, not from getting out of the house, seeing friends, or the like. He could get these other satisfactions simply by hanging around his poll on election day.

Consider. All through Mr. O's life he has been told that one ought to save a drowning person's life. As the people who have been telling Mr. O this have been prudentialists they have focused on the satisfac-

tions he would receive in allowing a victim to live. As well, all his life, Mr. O has received a new complementary suit in the first week of June. On returning home with his new suit on, however, he must walk past the town water reservoir. His problem started the year of his twenty-first birthday. Walking past the reservoir he noticed what he took to be a drowning man. He jumped into the reservoir, new suit included, and carefully moved to save the drowning man. However, by the time he reached his destination, the man had managed to move back to shore by himself. With suit destroyed, Mr. O returned home. He realized that his effort had been in vain yet felt some satisfaction in the fact that he had acted on a noble principle. Had things been different, he could have received great satisfaction in saving the drowning man. The next three years saw the return of the normal walk home. Four years subsequent to his first 'swim' he encountered the same problem, this time the drowning man being saved by a group of onlookers. This continued every four years of his life. He did learn along the way that the onlookers were always near the side of the reservoir and he learned to act to save the drowning man only if it was clear that they were neither there nor intended to help. He also learned something about the prudentialist principle of saving drowning men. Namely, that it was not meant, in any one context, to apply to all. That only a random few could enjoy the action, and that acting on a principle because it provided pleasure in itself was mistaken; it led only to a destroyed new suit. Such is the fate, I would maintain, of a prudentialist principle of participation. To posit such principle-enjoying as a justification of voting —

would be either to mystify the principle of rationality or to deny the value of experience. Such an account might explain 'rational' voting, but it fails to justify the practice of voting.

Similar problems are faced by those who would argue that 'being on the winning' side produces satisfactions which justify the rationality of the act of voting. While such satisfactions may be recognized by voters they are satisfactions which are occasioned only as a result of misunderstanding the contribution of each vote to the outcome. I have been to a sufficient number of hockey games to realize that my being in attendance added little to the victory of my favorite team, even when my team only wins when there is a large crowd supporting it. What pleasure I do get in seeing my team win can be enjoyed in the comforts of my living room by cheering in front of the television, thereby avoiding the inconvenience of actually attending the game.

The rationality of a particular citizen's vote, then, appears to be supported only in those cases where the knowledge of probable outcomes is extremely limited, or where the race is remarkably tight. And while none of the argument above will appear novel to a reader who has been a member of a liberal society, neither will he be surprised to find that few, if any elections, meet these special conditions. Indeed, the only conditions one might consider are those where the information available to the voter is extremely limited or, perhaps, where the constituency is very small (i.e. groups, clubs, etc.). What one must conclude from this analysis is that for the potential voter in question, voting would be irrational.

This finding only becomes a problem, however, in reference to the actual workings and requirements of liberal regimes. While such regimes and the societies they act within are likely to be undisturbed by one free-rider, when this was generalized to all but those required for the maintenance of the thresholds, the implications would become troublesome.[10]

Downs suggests that if absenteeism was prevelant in democratic regimes, democracy itself would be threatened.[11] For the liberal regime the effects would be less direct. While liberal regimes require for their maintenance the approval of the threshold majority, they need as well the general recognition of the legitimacy of their authority. This is required since the policy they enact is often dependent for its success upon the willingness and active support of those to whom it applies. This is the case not only because many forms of legislation cannot meet the required intentions of policy, but as well, because liberal societies cannot, if they are to be understood as liberal, use coercion as an exclusive method of policy enactment (cf. Chapter Two). Non-co-operation in voting, therefore, would seriously limit the confidence with which other forms of co-operation were requested by regimes.[12] In the long run, I hope to have shown in the previous chapter, all political functions of the regime would be in jeopardy.

A second dimension of the problem of voting in the political context might be mentioned. On the prudentialist account I have offered only some need vote to justify the non-voting of others. However this distinction between those who must vote (to achieve the threshold effects

posited) and those who can enjoy the effect of others voting without carrying the burden themselves is arbitrary. In fact, one might suggest that the extent to which prudentialism is taken to be the basis of a citizen's justification for voting, those who do participate are those who act on misunderstood principles or under-valued effects of the voting paradox. Political participation, on this account, is biased in society in the favor of the enlightened prudentialist.

The arbitrary nature of the voting dilemma might be met by arguing a lottery-effect principle of justice. But more important, in the political sphere, is the perception of injustice such rational non-co-operation creates. Community league members who carry the burden of organization are often confronted by the 'fact' that it is their own 'irrationality' that 'chooses' them as the carriers of burdens. While such arbitrariness would not likely threaten the institutions of participation nor the regime, it could affect their stability and smooth functioning.

I have shown, in the analysis above, that voluntary co-operation is a problem for the prudentialist view. While the prudentialist view can satisfy threshold requirements, it cannot ensure the maintenance of legitimacy requirements. It cannot meet these latter requirements because in the prudentialist account, future satisfactions must be discounted in value through time. While it may be in my interest to have strong institutions 'down the road', this interest is considerably removed in time from my current participation. Moreover, the danger in low legitimacy functions is not, I have argued, the necessary collapse of institutions

and regimes, but rather the relative instability of governments and regimes. Only where this relative instability threatened one's interests substantially would a legitimacy-based vote be (plausibly) rational. Further, as I have suggested in the previous chapter, voting to meet the threshold requirements of legitimacy functions is different in kind from voting to meet regime maintenance requirements.

To illustrate this difference reconsider the three possible thresholds that might be seen as justifying my carrying of burdens: the insurance of the election of my preferred government of the day, the insurance of the maintenance of the practice of the regime, and the insurance of the legitimacy of regime and government. Note that only in the third instance is my particular vote, where others are voting in predictable ways, a contribution to the 'desired' effect. The third is distinct, as well, in that it involves a different kind of commitment of the voter. A legitimacy-based vote confers upon the elected government more power than that implied by the right to govern. Further, the vote ties my loyalty to the regime to the legitimacy of the particular government. By implication, my vote has tied my future satisfaction not only to the meeting of my particular interests, but as well to the government's performance where it does not affect my interests. It transforms a mere vote into a commitment, such that a government's poor performance, even where it does not affect my particular interests, would produce dissatisfactions. As such, the burdens of voting are increased without, it would seem, any significant increase in the satisfaction of my interests. Voting for legitimacy attainment would be justified where the elected govern-

ment is clearly biased in its treatment of interests to my benefit (e.g. petroleum interests strongly supporting a pro-petroleum interest government). As a general account of voting rationality, in pluralist societies with accommodative politics, however, such cases are limited.

I believe the above analysis indicates that voting, as an example of voluntary social co-operation is seldom rational for the individual agent. The best that the prudentialist case can establish is that loyalty in this case is sometimes rational, where the conditions for its rationality can be clearly identified. More crucially, it cannot, except under rare circumstances, justify the active participation of the individual agent in producing and sustaining legitimacy. Throughout I have been rather generous to the prudentialist position. Two ways in which I have deserve mention. First, I have assumed that, in the voting case, the choice between possible governments of the day constitutes a real difference in interest satisfaction. Second, in choosing the voting case of co-operation, I have chosen one which constitutes a limited inconvenience.

Some of the problems I have pointed to in the prudentialist account are met by counter argument and it is to an analysis of the strength of this defense that I now turn.

III. Threshold Functions

Barring any procedure for contracting voluntary co-operation by means of a principle of fairness,[13] it would appear that acts of voluntary co-operation, except under special circumstances, are not supported

by the principle of rationality posited by prudentialism's economized political man. By conceding, however, that the preservation of institutions by maintaining threshold levels of co-operation is one such special circumstance, I do not infer, as do others,[14] that such rationality in the context of liberal institutions leads naturally to anarchy. I have claimed only that it would relatively undermine the stability of such institutions and the policy created within them. On the account I have offered, the meeting of some threshold demands is rational.

The prudentialist position is not without lines of defence on this issue. In this section I consider one such line of possible defence. It consists of positing insufficient knowledge as a structural characteristic of voluntary co-operation by reference to analogies like that of the prisoner's dilemma.

The prisoner's dilemma works in the following way.[15] Two prisoners are considered in a context where if they are to co-operate (C) both would receive moderate rewards for their co-operation. If one of the two co-operates and the other chooses to defect (D), the second would be 'rewarded' extensively while the co-operating agent would suffer hardship. If both choose to defect (and thus maximize their winnings) in the hope the other will co-operate, both will suffer. The agents are taken to be acting simultaneously without certain knowledge of the other's intended strategy. The strategy options can be represented in the following way:

Diagram One

	Agent Two	
Agent One	x, x (1)	z, y (2)
	y, z (3)	y, y (4)

where z>x>y

The irony of this dilemma is that it requires that both agents choose the defection strategy as a function of rational individual value maximization. This is supported by the fact that only boxes (2) and (3) are optimal from the individual's perspective.[16] The prisoner's dilemma game, to the extent that it corresponds to actual problems of voluntary co-operation, underlines the irrationality of co-operative strategies.[17]

Yet the game can be manipulated more closely to represent the conditions of actual problems of voluntary co-operation and, at the same time, give an account of conditions under which co-operation could be justified as rational. One such account is Taylor's 'Prisoners' Dilemma supergame,[18] in which he relaxes the information blinders of the agents.

Taylor's major adjustment, set to allay the criticism of statiticity he makes against the simple Prisoner's Dilemma, is to pose the game functioning over an infinite number of iterations. In this way, allowing for each player to know the previous strategies of others, Taylor argues that some conditional forms of co-operation are possible (for example, I will choose to co-operate if and only if others have co-operated on

the previous round and in doing so I create the conditions for others co-operating in subsequent rounds). Where the simple game does not allow for informal agreements, because it is not rational to keep them, the supergame allows for conditional agreements. The players in Taylor's supergame are made, at least superficially, interdependent. That is, they can make agreements and, based on past experience, confidently expect the other's co-operation. Taylor makes much of this possibility of conditional co-operation claiming, in part, that it undermines the justification of the absolute state posited by Hobbes. For our purposes, Taylor's claim that he has secured rational basis for co-operation through a mechanism for 'equilibrium structured by time',[19] is interesting. It is not, however, correct. Its mistake lies not in extending the knowledge of the parties to the supergame beyond that of the ordinary game, but rather, in not sufficiently extending it.

Politics is not a prison. Citizens cannot be kept to their individual cells. Thus, while it is rare for the assurance problem, knowledge of the probable outcome, to be fully overcome, each citizen is in a position to be constantly informed of the trends of voluntary co-operation in a way that gives him sufficient knowledge of the degree (or probability) of others' co-operation, of trends in the content of such co-operation, and of the rough thresholds required for the preservation of those policies and institutions he rightly sees as relevant to his own well-being.[20] The rational strategy options can therefore be schematized in the following way (the divisional game):

Diagram Two

Agent Two

(A)

Agent One	C	D
C	x, x (1)	z, y (2)
	y, z (3)	y, y (4)

Agents One, Two...Threshold

(B)

Bonus Game

Threshold

Free Rider	C	D
C	x, m (5)	y, y (6)
	x, d (7)	y, y (8)

where d>z>x>m>y

Diagram (A), over infinite iteractions, applied to numbers sufficient for the creation of thresholds produces the co-operation represented in box (1). Once this threshold is reached, or where there is a supported trend to it the second strategy option (B) is created. In this, an agent's co-operation is never positively 'rewarded' and his free-riding is 'punished' only where his evaluation of the trend was mistaken. As boxes (6) and (8) suggest, however, in this case his strategy choice is superfluous regardless. As well, once (B) is enacted, only box (7), his defection, is optimal. Again, such strategy options are only made possible where sufficient knowledge of (A) is available.

The point of the divisional game can be put more simply. In a standard two-person game each participant's active decision directly affects the outcome. It affects both the other person's rewards and the total satisfactions produced within the game. When an n-person game is

posited, an agent's active decision may not affect the outcome. That is, where sufficient others have co-operated his co-operation does not affect anyone's satisfactions except his own and does not increase total satisfactions across the game. If anything, his co-operation negatively affects him, while his defection produces positive results for him, and produces an increase in total satisfactions across the game.

This does not, it should be clear, engender a principle of free-riding. Every agent in the n-person game faces a prima-facie requirement to co-operate. Indeed, where the information blinders are tight, where the agent cannot discern trends to co-operation, every agent must co-operate. To defect is to gamble, and where the game stakes are high, a gamble of this type is likely irrational. Nonetheless, few co-operative activities in politics require simultaneous action, and more importantly, in the large majority of instances, each agent has available to him sufficient information to predict the existence of the bonus game.

IV. The Ideological Function of Loyalty

To say that the rationality of voluntary co-operation is contextualized and contingent, and thus insufficient as a principle of co-operation in a prudentialist-based liberalism is not to refute the theory per se. Indeed such an account is corrigible. In the following paragraphs I will argue that the mode of correcting the problem of voluntary co-operation, while allowed by the logical constraints of prudentialism, yields an implication which is not attractive to most liberal theorists. The central claim I will be advancing is that voluntary co-operation can be legiti-

mately secured by an ideological principle of co-operation. The principle suggested is ideological in that, although it is irrational for any person to act upon it, it is nonetheless rational for every person to allow (or, at times, promote) others to act on it. Indeed, on the view I will outline, allowing others to act on an irrational principle is a prescription entailed by simple prudentialism.

The burden of voluntary co-operation is only rationally avoided if others operating within the institution which requires it are prepared to take up the burden to the degree necessary to insure both the continuation of the institution and the insurance of policy outcomes preferred by the potential free-rider. This being the case, it is in every potential free-rider's interest to promote the co-operation of others. However, promoting the action of others can be (and usually would be, given the premises of prudentialist liberalism) more burdensome than actual co-operation (i.e. it would be more burdensome in the voting case but may not be in the case of labour's co-operation with government). This balancing of burdens, one might suspect, would, in practical affairs, downplay the likelihood of free-riding becoming a common practice (within the threshold game or beyond it). Yet the effect of the balance must be downplayed with the introduction of leadership functions in society.

Any political system that limits state activity (as is implied by liberal theory) requires the existence of an efficient legitimacy-producing leadership. Leadership is required, if not by definition and if for no other reason, to aggregate articulated wants and preferences through the creation of public policy. The activity of leadership, however, is

itself a burden on the prudentialist account. It requires training, the sacrificing of more pleasurable pursuits and the like. In order to recruit citizens for leadership roles and the burdens they are seen to entail, compensation is offered to outweigh the burdens. The maintenance of this compensation through continued service clearly becomes one of the prime interests of any political leader (or aspirant). Maintaining political office, in turn, requires the performance of effective institutions, practices, and perhaps most important, the legitimacy of the leadership itself. Meeting these demands of office requires, finally in liberal politics, the voluntary co-operation of citizens within 'threshold games' and with legitimacy, beyond them.

The leadership of any such regime, would be rational given their compensation, to take up the role of promoting the co-operation of its citizens. In this sense, the state's use of ideology is conceptually built into prudentialist-based liberal regimes. The devices that might be used to promote legitimacy satisfying co-operation are varied, but they share a common function -- the promotion of a belief in the rightness of voluntary co-operation even where this prescription is not supported by the rationality that serves as the basis of the society's model.

The method of achieving a widely supported belief in an ideology of co-operation is worth speculation.[21] Four methods might be suggested:

(1) re-identifying the act of voluntary co-operation as an act of civic or moral duty -- creating 'inner sanctions';

(2) re-identifying the act of voluntary co-operation as enjoyable -- mis-describing the act;[22]

(3) positing grave consequences of non-co-operation where none exist -- redefining the threshold;

or (4) misdescribing the 'tightness of the race' and the importance of individual votes.

One might imagine in these the Prisoner's Dilemma Super-game for n-persons being played under the direction of a hypnotist. The hypnotist might not get full co-operation and where his audience is suspicious his actions might miscue. Yet if he is good, the game would be played to his satisfaction.

The conclusion that one must draw from all of this is that the rationality that guides political leadership in this account serves to undermine the balance of voluntary co-operation and the burdens of its promotion for others. The state takes on, as part of its attempt at legitimation, the job of creating and maintaining an ideology of co-operation. What any potential free-rider need do in order to capitalize upon this is simply refrain from challenging the state's role in this area. And this, it would seem, involves less of a burden than voluntary co-operation.

Simple prudentialism as a theoretical base for liberalism cannot account for the rightness of acting on one of the important requirements of liberalism. The cure to this limitation is to be found in positing an ideological framework that is not, it seems, inconsistent with the model of decision making advanced by prudentialists. The price it pays is in the purity of the liberalism it supports. Even in simple prudentialist-based liberalism, one of the key justifications of liberty is the development of rationality. Liberalism is thus meant to allow and encourage

the 'exercise of the mental faculties'. It is not meant, as ideology is, to provide a justification for the manipulation of rational faculties through the promotion of mystification.

V. Classical Utilitarianism

Classical utilitarianism[23] differs from simple prudentialism primarily in its rejection of egocentrism in decision making. For utilitarians, an act is justified by reference to the total satisfactions of the act for all parties affected by it and not simply the satisfactions of the agent. The question which I briefly discuss below is whether this shift in the direction given to the individual decision maker permits the positing of a sanction against free-riding in cases of voluntary social co-operation. I will argue that the sanction is produced in instances of the two person game but not in the n-person game.

To begin, reconsider the options of the Prisoner's Dilemma ordinary (two person) game.[24] For purposes of clarity consider the game as it would apply to the following (standard) case. A car is stuck in the snow. Assume that in the car there is one driver (whom we hold constant) and two passengers. Each must decide if he ought to help push the car out. Agents acting within these conditions in some instances, are obligated by a principle of utility to choose their second individual preference. I will address two instances of this example, each having different assumptions.

In the first case I assume that both passengers are required to succesfully push the car out of the snow. I will assume further that both

know that the other will co-operate and that both are directed to act on an utilitarian principle. The case can be schematized as follows:

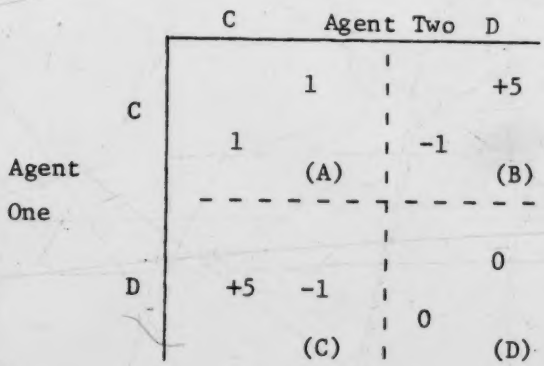
Diagram Three

Agent One \ Agent Two	C	D
C	1 (A)	-2 (B)
	1	+2
D	-2 (C)	0 (D)
	+2	0

In this instance, according to the principle, each agent is directed to co-operate, yielding box (A). This defence of the co-operative strategy is dependent upon the assumption that each agent intends to co-operate and that each agent can be trusted. This issue of trust is central to most prisoner's dilemma cases. For the analysis here, however, I assume that each agent has secure information on the other's (intended) action. The defence must also assume that, as the example of the stuck car allows, co-operative effort produces more general value than separate individual efforts.

For the second case I will assume that only one person is required to successfully get the car out of the ditch, but that if both worked together, it would be marginally easier for the other. Again, I assume that trust is not a problem as each agent is fully aware and confident of the other's decision. This would, I propose, give us roughly the following schematization.

Diagram Four



If both of the passengers co-operate both will be inconvenienced in achieving the same effect produced if only one were to be inconvenienced. Therefore the best utilitarian result is one where one takes on the inconvenience to insure the end is achieved, while the other, with no inconvenience, enjoys the result. In short, in these cases the utilitarian preference would be for either box (B) or (C).

Deciding who will co-operate and who will defect is troublesome. However, if Agent One knows that Agent Two will co-operate he is directed, by the utilitarian principle, to defect. If he knows that Agent Two is to defect, he is directed to co-operate. The utility principle initially directs both to co-operate but where only one is necessary, the other is excused.

To return to politics, consider the following case. The government of a country calls for the co-operation of both labour and capital in a price and wage restraint policy to control inflation. However, the co-operation of one of the two is all that is required to get the desired results. If both co-operate the results would be marginally better but

only at the expense of the burden one party needlessly carries. The utilitarian principle, when knowledge is insecure, might direct both to co-operate and support the government (given probability functions). However if labour knew that capital would co-operate then it would be directed by the utilitarian principle to defect, to free-ride.

Most n-person games (e.g. the voters case) are of the second variety. That is, they involve an inconvenience which contributes only marginally to the total result. Utilitarianism directs us to co-operate only when the effects of co-operation outweigh the burdens.

In the two person game, then, utilitarianism entails sanctions against free-riding that go beyond those of simple prudentialism. Yet the sanction is conditional. It requires that the co-operation of both parties is necessary to obtain the desired results. In the n-person game, utilitarianism cannot be distinguished from simple prudentialism in its creation of sanctions against free-riding.[25]

If what I have argued is correct, moreover, utilitarianism runs into the same problems as simple prudentialism in the n-person game. It only directs the co-operation of all when that co-operation is a requirement of threshold attainment.[26]

Consider, again, the case of voting in the context of the divisional game suggested earlier (cf. p. 62). Votes in the bonus game contribute little to the total effect (where the thresholds for institution and policy maintenance are met) yet constitute an inconvenience for the agent. Utilitarianism meets this problem no better than simple prudentialism.

Classical utilitarianism as I have identified it, then, is not sub-

stantially more attractive than simple prudentialism in its treatment of problems of voluntary social co-operation. Particularly, because most problems of voluntary social co-operation are problems of n-person games.

The question of whether utilitarianism would allow an ideology of co-operation is more complex. An ideological dimension could, however, be justified by slightly shifting the interpretation of rules within the utilitarian framework. A rule in an act-utilitarian sense[27] is a summary account of past evaluations of a particular act, type of act, or practice. In this way, utilitarians might posit a rule of co-operation that reflects the rationality of co-operation within thresholds. Clearly, however, this rule would not override the best individual decision of the free-rider.

Rules in utilitarian literature, however, have been understood in a different way. Rawls, in his earlier work, argues that rules can be understood as principles applicable to all instances of a type of action. The production of inferior results in some cases is overridden by the security produced within threshold requirements.[28] Voluntary co-operation beyond thresholds could thus be understood as a by-product of a utilitarian justified rule of co-operation within thresholds.

I do not intend to enter the debate regarding act and rule-utilitarianism. I rather wish to point out a problem in the rule-utilitarian position. A rule of co-operation would prescribe that agents co-operate beyond thresholds where such co-operation is irrational when the individual act is evaluated on utilitarian grounds.

As such it is an appeal to morality. Moreover it is an appeal to morality that is incompatable with one of the basic tenents of prudentialism, the maximization of want-satisfactions. As I have hopefully shown, full co-operation with one's regime by all does not produce maximum satisfactions within a society.

The conclusion to be drawn from utilitarian-based accounts of liberal political theory is that either: legitimacy producing co-operation is not justified, and thus the polity is made systematically weak; or that a rule utilitarian option is taken on at the expense of prescribing actions that are not themselves justified and which in aggregation do not produce maximum results. Both routes entail limitations on the adequacy of a utilitarian-based liberalism as it would treat the problems of legitimacy raised in Chapter Two.

VI. Conclusion

The inadequacy of a prudentialist-based treatment of voluntary social co-operation reflects a real problem in many prudentialist liberal societies. It is a problem that is met, I would contend, by ideology. My analysis illustrates that there is an important limitation upon the theoretical framework which so often serves as the basis of the general explanation, evaluation, and justification of these societies and their regimes. This conclusion however does not itself secure a critique of liberalism. One of the attractions of liberal theory is its malleability. Its defence can take on numerous different moral bases. In the following chapter I address one such defence, the Rawlsian theory,

focusing again on its ability to handle problems of voluntary co-operation.

Notes to Chapter Three

1. I appreciate the fact that for many 'prudentialism' and 'prudentialist' are taken to have more substantive significance. I use the term here in a limited sense as defined below.

2. Mill, J.S. On Liberty, (in The Utilitarians, New York: Anchor Books, 1973), p. 485.

3. Barry, Brian. Political Argument. London: Kegan Paul, 1965, p. 66.

4. An individual can count other's want-satisfactions on this account, but only where the satisfaction of other's wants is a want of the individual.

5. The account of simple prudentialism here is necessarily brief and schematic and thus misses the complexity which often characterizes its elucidation. Nonetheless I take the account to correctly identify the core of the theory.

   As well, in presenting this account, I am relying on numerous proponents and critics not all of whom share views on its complexities nor always state explicitly its central claims. I attempt, regardless, to present a summary account of the theory.

   For this I am indebted, among others, to B. Barry's Political Argument, the work of D. Gauthier, and A. Downs' An Economic Theory of Democracy (Harper and Bros., New York, 1957).

6. The inclusion of this claim raises a multiplicity of problems. Yet it is an assumption most proponents of the prudentialist view ascribe to (if not explicitly, at least implicity). In an attempt to sidestep these problems and yet maintain the perspective shared I propose a minimal reading of the claim: that it is taken as a statistically secured correlation that most human beings living in liberal societies prefer ends which occasion what they identify as pleasure and where what they understand as pleasurable is shared.

7. Downs, op. cit.

8. Carmichael, D.J.C. "The Limits of Individualism" (Ph.D. Dissertation, University of Toronto, 1978), p. 262.

9. One might as well maintain that voting occasions implicit satisfaction in its role as an act of voluntary social co-operation of providing legitimacy for the practice or for the regime. Both these options are considered in the discussion of the first item.

10. This aspect of the problem has been discussed in more depth in Chapter Two. What I present here is only an outline of some of these practical implications.

11. Downs, op. cit., p. 267.

12. One might counter here by suggesting that these implications might give our previously free-riding 'voter' cause to reconsider. However: 1) these implications are well removed from immediate want-satisfaction; 2) they are ambiguous; 3) to be solved they require more than his contribution; and 4) any attempt to insure others contributions (especially other cynical free-riders co-operation) would require more effort than would be justified by the payoff. Again, there would likely be exceptions, but they could not be considered, or would not be considered normal.

13. Cf. Chapter Four for an analysis of one such attempt, John Rawls' Theory of Justice.

14. Cf. Taylor, Michael. Anarchy and Co-operation. London: John Wiley and Sons, 1976.

15. For more detailed analysis of the game see Rapoport (Fights, Games, Decisions: Ann Arbor, 1966), D. Gauthier's 'Rational Co-operation' (Nous 8, 1974) or M. Taylor's Anarchy and Co-operation (op. cit.). Those familiar with these accounts will note that in some cases I have altered the dilemma. I have done so in all cases to simplify and to correspond to the analysis presented. In no case, I believe, do I harm the purpose of the analogy.

16. Cf. Taylor, op. cit., p. 5. "Let us say that an outcome (Q) is Pareto-optimal if there is no other outcome which is not less preferred than Q by any player and is strictly preferred to Q by at least one player."

17. Gauthier (op. cit.) disputes this by positing a rational strategy based on maximum relative advantage as the principle of maximization, or to put it more bluntly, a 'fair' optimal outcome. I do not take up this option here as it raises problems at least superficially similar to those raised by Rawls and dealt with in Chapter Four.

18. Taylor, op. cit., p. 84.

19. This argument shares superficial commonality with Gauthier's.

20. Some states of affairs relevant to the agents interests do not justify the agent's voluntary co-operation as they are conceptually and temporarily far removed from the act. As Taylor states, "...

future payoffs are exponentially discounted to obtain their present values." (Op. cit., p. 8.)

21. The account is speculative here in lieu of an account of the effectivity of means of creating beliefs, in lieu of a psychology of politics.

22. Barry, op. cit., says "In practice, however, the practical problem (sic) is averted by the fact that many people either think they have a duty to vote and act on it or take a positive satisfaction in voting." (p. 329).

23. In this, again simplified, account of the theory I consider in some depth only act-utilitarianism.

24. The account of the dilemma here differs from the standard model given by Anatol Rapoport (op. cit., p. 174). He and others focus on the problem of trust. My analysis concedes trust and thus does not produce the same dilemma the standard model produces. Nonetheless, my argument is that even given a concession viz. the trust problem neither prudentialism nor utilitarianism secures a principle of voluntary social co-operation.

25. This is, I take it, one of the reasons Rawls rejects utilitarianism as a principle of both productive and distributive justice.

26. David Lyons supports this claim in stating, "Clearly threshold effects are involved in such cases .... And since the acts required in such cases are usually burdensome, it could be argued that better consequences on the whole would result if the practice was indeed not universal." (Lyons, David. Forms and Limits of Utilitarianism. Clarendon Press, Oxford, pp. 162-163.)

27. For a discussion of act and rule utilitarianism of Rawls' 'Two Concepts of Rules' (Philosophical Review, XVII, Jan., 55, pp. 3-32) and a critique found in Lyons (Ibid.).

28. Much the same sort of reasoning occurs, I would suggest, in numerous obligation theorists' implied contentions that voluntary co-operation is but an extension of political obligation.

CHAPTER FOUR

John Rawls: Legitimacy and Justice in the Liberal Regime

I. Introduction

The most impressive recent account of liberal theory is John Rawls' Theory of Justice[1]. In this work Rawls attempts to provide a systematic and principled defence of liberalism, a defence which permits the recognition of social democratic policy initiatives.[2] His account stands out because he provides this defence with a prudentialist evaluative base tempered by the constraints of a method of procedural justice.[3] It is this procedure and Rawls' subsequent picture of a non-prudentialist, moral society that distinguishes his liberalism from those discussed in the previous chapter.[4]

My interest in the Rawlsian argument is this: does the argument provide a compelling justification for a citizen's voluntary co-operation with his government (or with others when the citizen is so directed by government) when his co-operation cannot be or is not required of him by law?

There is a problem in analysing voluntary social co-operation within the framework of this Rawlsian argument. It is not clear that Rawls is aware of the problems of voluntary social co-operation that I have identified in previous chapters. Rawls is acutely aware of the standard problems of co-operation (e.g. the problems of efficiency and trust). Moreover, his 'natural duty of justice' (the duty to support and promote just institutions) suggests strongly that he is sensitive to the problems

of legitimacy and regime security. However, this natural duty is given, by Rawls, little more than brief attention. My analysis, therefore, will address the Rawlsian argument on two levels, the first focusing on Rawls' own account, the latter on what a defender of Rawls could maintain as a response to the problem of voluntary social co-operation. This way of proceeding is justified, I believe, because of the ambitions of comprehensiveness and political relevance of Rawls' work. For the most part, then, my question is whether a principle of voluntary social co-operation could be sustained by employing the Rawlsian argument.

Rawls does, I have suggested, recognize a need for a justification according to which citizens ought to co-operate with one another in joint (benefical) projects. Indeed, most of Part Three of A Theory of Justice is devoted to explicating the essential goodness of co-operative relations. In his rejection of 'private society' and market models of society Rawls is intent on convincing his reader that citizens living in a just regime will come to believe in the importance of co-operation with one another and supporting and promoting the (just) constitution.

As well, Rawls appears to recognize the importance of a principle of citizenship as it applies to the support and promotion of the just regime. Such a principle is required, Rawls claims, 'to secure the stability of just institutions'.[5] The principle that would be chosen in conditions of fairness is the natural duty of justice. 'This duty requires us to support and to comply with just institutions that exist and apply to us.'[6]

On the face of it Rawls provides an answer to the question of voluntary social co-operation. Such co-operation would be justified by a duty

of each of us to support and promote just institutions. When we are to support and when to refrain turns upon the relative justice of the institutions to which such support is directed. I concede, then, that if Rawls' natural duty of justice can be sustained, he has provided a principle of voluntary social co-operation. I intend to argue, however, that the natural duty of justice cannot be confidently advanced within the terms of the Rawlsian argument. It cannot, at least, in a way which would advance the ends of a just and liberal regime. In short, I argue that a Rawlsian principle of voluntary social co-operation would rely upon a weak justification.

The arguments I will advance rely on a particular reading of Rawls' work, one which he accepts. This reading focuses on the condition of 'reflective equilibrium', according to which a correspondence must be obtained between the de-ontological principles of the first part of A Theory of Justice and the conception of good offered in the third part. My argument rests, moreover, on a particular reading of this condition, that Rawls' work is only fully persuasive when Part Three is brought into play. Most of my analysis, particularly the latter part of this chapter, exploits a problem in the correspondence of Parts One and Three, a problem between Rawls' principles and our considered conceptions of the good.

The form my argument takes is to initially focus on the 'natural duty of justice' as a precept which has justification independent of its adoption in conditions of fairness. I consider this possibility to show that unlike Rawls' other natural duties (e.g. the duty of mutual aid) the duty of justice has no apparent justificatory force independent of

its adoption in the original position.

I turn then to a consideration of whether Rawls' duty would be chosen in conditions of fairness. I argue that while the duty as a formal conception is acceptable, its content need not be that anticipated by Rawls - namely, diligent, systematic support and promotion by all.[7] I argue rather that one might choose, with equal justification, a principle that requires support only to the level of threshold attainment for practice and regime maintenance. Or that one might choose on solid grounds that no such duty ought be recognized.

I conclude my analysis with a consideration of the possibility of securing an ideological principle of regime support and promotion from within the constraints of Rawlsian proceduralism. Rawlsianism would be more powerfully advanced (viz. regime support) by the adoption of a noble lie, the positing of the natural duty of justice in full recognition that no compelling justification for preferring it over other principles pertains except that of regime security. I offer this analysis aware that Rawls does not suggest such a strategy explicitly.

Before moving on to these arguments, however, it must be pointed out that there are two other plausible strategies for the justification of voluntary social co-operation within the Rawlsian argument. The first is that a Rawlsian might maintain that such co-operation is a demand of one's obligations as a citizen. Rawls expressly denies such a strategy saying, "There is, I believe, no political obligation, strictly speaking, for citizens generally."[8] He clearly distinguishes between obligations, which we have as a requirement of our institutional status and duties, which

apply to us regardless of our institutional status or voluntary agreements. This distinction maintained by Rawls is, I will argue in Chapter Five, necessary for the integrity of accounts of political obligation within the liberal tradition.

A second strategy not addressed in great detail in my analysis concerns the positing of a 'sense of justice' as the basis of voluntary social co-operation in the Rawlsian regime. As I have suggested, Rawls devotes much of the third part of his book to persuading his reader that in the just regime citizens will come to commit themselves to the advancement of the regime, that the citizen's conception of good will correspond to the principles of right which define his institutions. This strategy is a plausible response to the question of voluntary social co-operation posed in this essay. It is not however without its problems. While a Rawlsian could argue that voluntary social co-operation would not be an interesting nor salient political problem in the Rawlsian regime such a strategy would change the de-ontological character of Rawls' project by relying on the full conception of the good to defend a principle for individuals. Moreover, as I argue in Chapter Six, it is not clear that the 'justice' of Rawls' regime is sufficient to secure such commitments.

The duty to support and promote just institutions is distinguishable from others of Rawls' natural duties in another important way. One can suppose a society in which the duty of mutual aid is not recognized. Such a society would not be as secure perhaps as one which recognized the duty. Moreover the lack of recognition of this duty would harm the consensus upon which a sense of commitment is partially built. But if

what I have argued in the second chapter is right, citizens' unwillingness to support and promote just institutions (conceded here as an adequate statement of voluntary social co-operation) would seriously harm the ability of governments to confidently advance public policy.

A compelling treatment of voluntary social co-operation is vital to the Rawlsian project. It is so because of the assurance problems of co-operative projects, problems to which Rawls is clearly sensitive but as well, because such co-operation is tied to the legitimacy and stability of any regime. Moreover, as argued in the previous chapter, even when the problems of assurance are omitted, problems of justified free-riding remain.

II. Rawls' Statement of the Problem

The logic of the problem of social co-operation, as Rawls sees it, is most clearly stated in the following passage:

> "Even when the isolation problem is overcome and fair large-scale schemes already exist for producing public goods, there are two sorts of tendencies leading to instability. From a self-interested point of view each person is tempted to shirk doing his share .... These tendencies arising from self-interest lead to an instability of the first kind. But since even with a sense of justice men's compliance with a co-operative venture is predicated on the belief that others will do their part, citizens may be tempted to avoid making a contribution when they believe, or with reason suspect, that others are not making theirs. These tendencies arising from apprehensions about the faithfulness of others lead to instability of the second kind."[9]

Rawls explicitly recognizes here that the stability of institutions, even just institutions, depends upon securing the contributions of all

in attaining the ends of co-operation. This requires that two constraints must be put upon our decisions, a constraint against self-interested free-riding and a constraint which secures trust among contributors.

Rawls is concerned about tendencies to instability therefore because he recognizes that, ceteris paribus, there are two good reasons for any citizen to shirk the responsibilities of such projects (including, I take it, the responsibility of citizenship). The first is in cases where, from a self-interested perspective, the individual could enjoy the benefits of co-operative ventures without contributing to them. The second arises in situations where individuals suspect or indeed expect that others are free-riding. Where others are seen to be free-riding, the grounds for sharing contributions are threatened.[10]

The two reasons that would support this practice that Rawls worries about are related. As individual citizens act on the first reason, self-interested free-riding others might begin to act on the second. At a certain point, however, the existence of large numbers of citizens refraining to contribute because of lack of trust or unfairness would in its threat to the joint project disallow the self-interested free-rider from absenting himself. The point of this relationship between the two is that if some rough and public guidelines for the recognition of thresholds were to exist, the society could be held together by only minimal co-operation — the satisficing of demands for co-operation. That is, the society would be able only to insure contributions to the extent required for end attainment. But minimal co-operation of this sort is not sufficient for Rawls. For while societies can be held together by mini-

mal co-operation (as indeed many currently appear to be) they would be unstable. And while instability could be tolerated in some liberal regimes, it would seriously threaten the development of any 'sense of justice' in the Rawlsian regime.

Rawls, in developing his theory of justice, was faced with a paradox. The rationality that leads individuals to desire stable, co-operative, and just institutions is, at the same time, the rationality that insures the relative instability of these institutions.

The problem for Rawls, then, is to devise principles for individuals that will constrain individuals from enacting these two tendencies of co-operative projects and institutions. The problem is exacerbated by Rawls' rejection of both the utilitarian and consent-based responses to the paradox. Of the utilitarian response he cites the incompatability of the principle of right for institutions and principles of good for individuals. His rejection of the consent response is stated as follows:

> The bearing of these remarks is that basing our political ties upon a principle of obligation would complicate the assurance problem. Citizens would not be bound to even a just constitution unless they have accepted and intend to continue to accept its benefits. Moreover this acceptance must be in some appropriate sense voluntary. But what is this sense? It is difficult to find a plausible account in the case of the political system into which we are born and begin our lives .... And even if such an account could be given, citizens might still wonder about one another whether they were bound or so regarded themselves. The public conviction that all are tied to just arrangements would be less firm, and a greater reliance on the coercive powers of the sovereign might be necessary to achieve stability.[11]

Rawls thus admits the need for a principle for individuals that

would direct them to voluntarily support co-operative projects, including the project of citizenship. Moreover, as he identified the problem, the principle must direct all to co-operate and not simply those required to ensure that the project is not threatened. The principle he advances is the natural duty of justice.

III. The Natural Duty of Justice

The most plausible account of the justification for a principle of voluntary social co-operation is that which Rawls himself stresses. It involves the recognition, in the original position, of a 'natural duty of justice'. Rawls states, ... "there is no reason to run these risks (the risks of a contract model). Therefore the parties in the original position do best when they acknowledge the natural duty of justice."[12] This duty, Rawls states, "requires us to support and to comply with just institutions that exist and apply to us .... Thus if the basic structure of society is just, or as just as it is reasonable to expect in the circumstances, everyone has a natural duty to do his part in the existing scheme."[13]

The duties Rawls assumes would be chosen in the original position (in conditions of fairness) are to be 'acknowledged'. While it is clear that Rawls does not intend that such duties have their moral force because of considerations outside of their adoption in the original position (and their compatability with the principles for institutions[14]) neither are they ideas picked out of a hat. The duties of mutual aid, mutual respect, and the duty not to inflict unnecessary suffering[15] are

all duties generally accepted by those that the reflect on them to have considerable moral preferability. As such, perhaps Rawls is right to simply assume that they would be adopted in the original position. There are simply no strong competitors to these duties. The 'natural duty of justice', however, does not enjoy the same grounding for a quick assumption. To illustrate this I consider whether the duty has any claim to moral preferability outside of its adoption in the original position.

On the face of it the claim that the natural duty of justice is morally preferable independent of its being chosen in the original position appears strong. As stated, it relies upon two generally recognized moral precepts. The first, the notion that the justice of institutions itself engenders a duty to support them (assuming, for Rawls, that the institutions do not contradict one's interests as recognized in conditions of fairness). The second precept is Kant's. It is that principles, if sound, apply universally.

Rawls' 'natural duty of justice' in its implication for questions of voluntary social co-operation can be seen more clearly in comparison to a utilitarian perspective. Rawls' principles are weaker in that they do not demand acts of great personal sacrifice (superogatory acts)[16] yet stricter in that they appear to demand the carrying of 'normal' burdens (voting, for example) even when the contribution of the act is negligible. With Rawls' principle of duty, then, one conceives a citizenry that co-operates with intensity and strict consistency. In comparison utilitarianism makes for heroes but it also allows for instability. Rawls, intent on the development of a 'sense of justice', is prepared for fewer

heroes if he can insure diligent citizenship. In short, Rawls attempts to get around the problems of instability by relying on a de-ontological principle of citizenship for individuals, a principle compatable with those adopted for institutions.

Rawls appears to have chosen a principle that directly meets the problems of loyalty in the liberal regime this essay has raised. Yet the preferability of the principle independent of its adoption in conditions of fairness is questionable. Unlike mutual aid, which most utilitarians I suspect would like to defend, diligent citizenship is not a clearly preferred principle.

It is difficult to quibble with the principle of universality. However one characteristic of the principle is worth note here. The Kantian principle of universality is an abstract formal principle. While it has clear implications for moral understanding and moral action it is not, itself, a moral principle. Wolff, in addressing Rawls' project, suggests that the project is fully in jeopardy as a function of its formal procedural character. The problem, as he states it, is whether "formal principles of practical reason can yield substantive conclusions in the form of non-empty moral principles."[17]

Whether or not the Rawls project is in jeopardy on this point is not obvious. However, it is the case that the universality attached to the 'natural duty of justice' does not in itself constitute a moral underpinning of the content of the duty Rawls proposes (i.e. diligent, comprehensive co-operation). Universality would apply to any principle of duty recognized in the original position. What is relevant is the

content of the principle chosen.

The independent force of the 'duty of justice' might alternatively lie in the notion that there is a 'natural duty' to support just institutions which apply to one. This may indeed be a principle worth adopting. Moreover, unlike the principle of universality, the duty of justice here appears substantive.

Rawls plays here on the fundamental de-ontological conception of morality that principles, if sound, are morally binding upon those to whom they apply. If, say, promise keeping is just, then to deny that I ought to keep my promise is to deny the possibility of any important meaning of a moral principle.

But again, this moral notion is formal. It does little to establish a presumption in favour of Rawls' particular conception of the content of a duty of justice. To illustrate this, note that a duty to support and promote one's regime only on the second Tuesday of every month would also be governed both by the principles of universality and fairness. For the Rawlsian project a great deal turns on which content for the natural duty of justice is preferable. What we must consider then is not whether the natural duty of justice has moral force (i.e. has no obvious competitors) outside the original position but whether its content as understood by Rawls is preferable.

With respect to acts of voluntary social co-operation, no such presumption is acceptable. Consider. Rawls' principle requires that citizens do all possible to support just institutions (up to and beyond the thresholds required for institutional maintenance) except where such

support constitutes a great personal hardship or sacrifice. "For while we have a natural duty to bring about a great good, say, if we can do so relatively easily, we are released from this duty when the cost to ourselves is considerable."[18] Compare this content of principle of duty to the following: one must support just institutions only to the extent required to maintain the existence and relative effectivity of such institutions. This principle would apply to all, although, unlike Rawls' principle, it would allow systematic exemption for some.

These alternative contents for the duty of justice are not completely dissimilar. Both recognize the fundamental principle of morality noted earlier (i.e. that one must act on duties which apply to one). Both would allow (indeed, would require) the maintenance of just institutions. However while Rawls' 'principle' is simple — it doesn't require the 'calculations of others'' actions — the alternative is more complex, it requires that citizens are cognizant of rough threshold-meeting requirements. Rawls' principle, interestingly, provides strong legitimacy for the regime and for the government acting in a just regime. That is, the Rawlsian principle has a legitimacy producing spill-over effect. The alternate principle does not provide this. However in failing to provide this legitimacy, it provides, instead, a higher degree of efficiency in the enjoyment of social goods — namely the relative diminution of requirements for contributions.

As to the first difference, the political participation engendered by the alternate principle would more clearly reflect the Aristotelian rationality that Rawls identifies as a central aspect of the good of in-

dividuals than would Rawls' principle. The idea of each person slavishly acting on a simple duty of citizenship is not one which would help develop the citizen's moral or intellectual faculties. As well, it can be argued that the alternate principle provides, where Rawls' principle does not, a more democratic check on the administration of justice within the regime. Voting, when not understood as a duty, is a much better test of the political health of a society than it is when it is understood as a duty.

My point here is not that the alternative content for the principle is superior to Rawls' assumed content. However, unlike the case of mutual aid, there appear to be very serious contenders for the content of the principle. As such, Rawls cannot confidently assume that his would be chosen.

Before turning to the question of the choice of content for the duty of justice, one further comment might be made. Rawls' tying of regime support to the justice of institutions has two further related detractions. First, it ties loyalty in real regimes to the analysis of what constitutes 'reasonably just' institutions. In doing so it leaves many practical decisions somewhat uninformed. Secondly, and more importantly, it appears to ignore the fact that loyalty is more important in times of regime crises than it is during times of regime security. The practical test of the essential preferability of institutions exists when those institutions are not functioning at their best. Rawls' principle of support appears to encourage the acceleration of institutional breakdowns when institutions are threatened. When defending or support-

ing one's regime becomes costly, the Rawlsian citizen is excused.

There appears to be no justifiable presumption in favour of the adoption of Rawls' principle as independent of its recognition in the original position. In this sense, Rawls' 'natural duty of justice' is unlike his other natural duties. If a principle of voluntary social co-operation is as important to a regime as I have made out, then Rawls' simple assumption is unacceptable. However the fact that Rawls does not defend his natural duty of justice does not mean it is without defence within the Rawlsian framework. As the test of a principle for Rawls is its acknowledgement in conditions of justice I consider below whether the Rawlsian principle would indeed be acknowledged.

IV. Choosing a Principle of Loyalty

The power of Rawls' theory lies largely in its use of a procedural structure in the establishment of principles of justice for institutions and individuals. The basic idea of the approach is that one cannot make just rules for an institution in which one has a vested partial interest. He develops a context for moral decision making that is characterized by 'conditions of fairness', the original position. In this context individuals understood as acknowledging principles for the shaping of institutions are taken to know many facts of the world without knowing their individual identity, and thus their particular place in the existing (or previous) scheme. It is this lack of knowledge (the 'veil of ignorance') of their own real position which creates the essential fairness of their context and thereby establishes the moral integrity of the principles

they choose.

> In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs .... It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities.[19]

Rawls employs this strategy to derive a principle of liberty and a relatively egalitarian principle of distributive justice. These two form the greater part of the principles to be chosen as the best principles to govern political institutions and practices. The principles chosen are de-ontological in character. However, Rawls attempts to establish a corresponding conception of the good which, he claims, does damage neither to contemporary moral insight nor to current psychological knowledge. Finally, although the principles adopted are de-ontological in character, individuals in the original position are construed to have a shared identification of the generalized means to individual ends (the primary social goods) and a shared conception of rationality (economic rationality).

Before turning to a question whether Rawls' procedure can establish a 'natural duty of justice' one final note needs mention. In his account of the principles that would be acknowledged in the original position, Rawls relies on an argument that risk-taking in the choice of institu-

tional principles is unacceptable. It is this conservative perspective on gambling that, in the end, gives Rawls his principle of justice (identified as a 'maximin' strategy, it calls for all differences in economic distribution patterns to be justified by the advantage accrued to those worst off in any extant scheme). The conservative gambling strategy is reasonable, claims Rawls, when the situation is one in which a knowledge of likelihoods is impossible, or at best extremely insecure, when the rewards accrued by successful gambling do not greatly affect the winner's good (as compared, that is, to the maximin alternative), and when other 'rejected alternatives have outcomes that one can hardly accept'.[20] Gambling is most irrational for Rawls 'when all three features are realized to the highest degree'.[21]

Rawls does not defend the adoption of the natural duty of justice (according to which every citizen has a duty to support and promote just institutions whenever and wherever it causes no great hardship) in the original position. Rather, he merely assumes its adoption. I argue below that this assumption is at best tenuous. Given the constraints of the original position, Rawls' duty is not clearly preferable to alternative (plausible) principles. My argument will not focus on the question of the adoption of the formal duty (to support and promote just institutions) but rather on the implicit content of this duty as it applies to each citizen in his relationship with his regime.

Consider again the example of voting. As argued in Chapters Two and Three there are three thresholds that a voter can recognize in making his decision to vote: sufficient voting for the election of his prefer-

red candidate; sufficient turnout for the maintenance of the integrity of the practice; and sufficient turnout for the establishment and maintenance of legitimacy for the regime. I have conceded that prudentialist accounts can provide a justification for the meeting of the first two thresholds, but not for the third, regime legitimacy. Rawls' principle of a 'natural duty of justice' would imply that the third threshold, legitimacy, also be met.

Rawls' duty can be distinguished from at least two other competing alternatives. The first, mentioned and briefly considered in the previous section of this chapter, would require voluntary social co-operation up to and including the threshold required for institutional protection, but would not include a direction to co-operate beyond this point. A second alternative could be that one refrain from acknowledging any duty to support and promote institutional arrangements, just or not. As such a duty requires costly acts, one might simply acknowledge that such actions are significant and valuable gestures, but not the duty of anyone.

Each of these alternatives has its attractions. The first two have been compared earlier. The last, the opting for no duty, could be advanced and supported by one who attaches great significance to the use of levels of legitimacy production as a means of testing the health of a regime. The strength of any relationship is better tested when the parties to it do not consider themsleves under a duty to advance it. In the original position, one could, I believe, powerfully advance the claim that if the institutions of a Rawlsian society are just and if

these institutions correspond to a solid motivational grounding, there is simply no need for the recognition of a duty to support and promote them.

Compared to the two alternatives suggested, Rawls' duty has the distinct advantage of aiding the stability of the regime. Moreover the stabilization effect goes well beyond the mere maintenance of institutions. A duty which requires us to support and promote institutions only up to the threshold for regime maintenance, however, has the advantage of lowering the costs of 'citizenship' while still maintaining the regime. The last option has the advantage of providing a constant measure of the perceived authority of the regime. What is it, then, that makes Rawls' duty preferable? One plausible answer, one which is employed in Rawls' argument for a relatively egalitarian principle of distribution for institutions, is that in choosing principles it is not reasonable to take risks.

Rawls' natural duty to support and promote just institutions is distinct from the alternatives in the conservative attitude towards risk-taking that it represents. If one, for example, has an aversion to risk, the safest bet, granting that it carries with it the heaviest burdens, is the adoption of Rawls' duty. It is with the assumption of this general attitude that the principle Rawls acknowledges could be based. However, unlike the question of choosing principles to structure societal institutions (particularly those of distributive justice), this assumption is not fully consistent with the conditions Rawls cites as justifying conservatism in gambling.

A conservative aversion to risk-taking would require an assumption of the absence of relatively secure knowledge of trends in support. With most acts which produce legitimacy, however, information about the degree of support extant is readily available. Indeed, as I have argued, it is the availability of this information that, in part, justifies the action of the free-rider. Granting there are, however, some instances in which information is sketchy (e.g. close elections), a duty which required that citizens meet only the threshold for the protection of a practice would protect against these instances. Where I do not know the outcome or where the probability of that outcome is low I would be directed to support.

The 'rewards' of successful or unsuccessful risk-taking are not significantly different as regards the alternative principles. Rawls' duty has the advantage of producing more regime (constitutional) security than the others. However, this extra security has its costs to the individual citizen and to the society, costs not incurred in the alternative conceptions. Choosing not to acknowledge a duty could conceivably produce effects which would harm the good of the individual. But to posit these effects as decisive would be to implicitly undervalue the rationality of the individual citizen. A defender of Rawls would need to show that the costs incurred by the individual by Rawls' duty are not heavy in order to argue that risk-taking was unreasonable. Further, he would need to show that this by itself constituted grounds for rejecting the 'threshold-meeting' or 'no-duty' alternatives.

Barry's criticism of the gambling argument is relevant here. He

argues,

> Let us consider a simple example. Either it will rain today or the sun will shine; and I can either take my raincoat or leave it at home .... The maximin (non-risk taking) criterion dictates that I take my raincoat: the worst that can happen is that the sun will shine; and this is less annoying than the worst thing that can happen if I leave my raincoat behind, namely get wet. This would obviously be the right plan if I was convinced that there was a Weather Man who took a malicious pleasure in thwarting me. But if I thought that "someone up there likes me" and was striving to make me as happy as possible, I would be more sensible to adopt a maximin policy: instead of choosing the best of the worst outcomes I would go for the best of the best outcomes ....[22]

If we apply Barry's reasoning here to the question of which 'duty' to adopt we have the choice of either a more demanding and costly 'duty' (Rawls') or less demanding and less costly alternatives. If we choose the Rawlsian 'duty', the worst that could happen is that we would be incurring unnecessary costs. If we choose to recognize a duty to threshold levels, the worst that could happen is that the regime could be unstable. If, finally, we choose the no-duty option, the worst that could happen could be regime decay.

However, in choosing Rawls' 'duty' we would be implicitly anticipating significant levels of non-co-operation. For the content of the natural duty of justice, everything appears to hang on the anticipated levels of free-riding and foot-dragging within a Rawlsian society.

The principles which govern institutions and the principles for individuals are to be public in the Rawlsian conception.[23] It is with an understanding and appreciation of these principles that a commitment to the regime is born in the Rawlsian citizen. Therefore,

> The persons in the original position are to assume that the principles chosen are public, and so they must assess conceptions of justice in view of their probable effects as the generally recognized standards.[24]

Rawls' natural duties, if acted upon, might well contribute to the creation of this sense of commitment. For example, living in a society in which citizens understand themselves to have a duty to mutual aid would appreciably affect, I suspect, one's sense of self-worth and respect for one's society.

However, the natural duty of justice, by its very invocation, would implicitly focus upon an anticipated weakness of the regime. To acknowledge it as a duty would be to build into the citizen's understanding of his regime an awareness that he is being constrained in a way which often advances no one's interests.

Rawls' duty involves a tradeoff. In acknowledging it one trades away a lessening of the social costs of individuals in a society for the security it allows. However, it has a detraction in the fact that its acknowledgement implies the recognition of a weakness in the regime. It would be adopted by those who feel that they ought protect the regime, not advance it.

Risk-taking in the choice of principles for institutions is justified. However once just principles are seen to effectively define the institutions of a society choosing duties (particularly burdensome ones) which serve only to protect against the (often rational) free-rider appears not to have the same justificatory force.

V. A Noble Lie in Rawls?

Rawls' theory, unlike strictly prudentialist accounts of liberalism, appears to permit a principle of voluntary social co-operation (the natural duty of justice as specified by Rawls could justifiably be chosen in conditions of fairness). However the duty, if chosen, would rest on a weak justification. The justification would be one according to which the requirements of regime security in a Rawlsian society were to be conceded as severe, requiring a principle directing citizens against free-riding. The prudentialism inherent in Rawls' theory limits the strength with which a conception of a citizen's commitment to the regime can be advanced.

There are, however, other options available to the defender of Rawls, two of which I consider below. In the perspective of the original position the 'veil of ignorance' does not exclude all knowledge about society.

> They (persons in the original position) understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice.[25]

One would know, for instance, about the level of legitimacy-producing co-operation in a variety of regimes. Focusing on those regimes which do not rely on extensive coercion, one would know that, in the main, more voluntary support is given to regime and government than is justified by its effect on the preservation of institutions and practices. This extra legitimacy is produced partly by the ideological functions of

leadership in a liberal regime, by feelings of commitment to one's government and regime, or perhaps by miscalculation (ignorance).[26]

This creates a dilemma for the person in the original position. If he chooses a duty that requires co-operation only up to the point of practice maintenance his doing so could damage the given levels of support. By publicly acknowledging the irrationality of loyalty he would be in danger of destroying beliefs and predispositions which play a prominent role in the cementing of numerous non-coercive societies.

Suppose it was the case that children's beliefs in Santa Claus actually produced family goods (higher degree of respect for parents, more obedience, a greater willingness to help around the house and better relations between siblings). Suppose further that there is not a strong justification for Santa's existence and that the parents involved in our case understood this fact. Suppose finally that a belief in Santa Claus does not correspond to the evaluation of means and ends children generally recognize (or are given to recognize). Our parents have three choices: to tell the children that he doesn't exist, and risk a reduction in the children's 'good' behaviour, to continue to stress his existence, or to remain silent on the whole question hoping that such behaviour will continue.

If we set aside the option of publicly recognizing the limits of voluntary social co-operation set by a prudentialist conception (for fear that its recognition would harm existing levels) we would have two similar further options.

We might choose to acknowledge Rawls' principle of a 'natural duty

of justice'. This would secure an underpinning for a principle of voluntary social co-operation. It would also constitute a preference for radically conservative gambling strategies. However, in choosing this option, the moral justification of the duty would be quite distinct from that of other natural duties that Rawls advances. In choosing Rawls' 'natural duty of justice', we would be recognizing and affirming a moral principle merely to preserve a societal function which reflects beliefs that are ideological. It would be Rawls' formulation of a 'myth of the metals'. Although largely dissimilar in content, the principle would be consistent in form and in effect.

A final option remains. It would be for Rawls to choose silence on the question of regime support in the hope that legitimacy would be produced by citizens' full conceptions of the good. While Rawls would not, I think, be happy with such an option it is worth brief consideration.

VI. A Sense of Justice and the Full Theory of the Good

While it is clearly not Rawls' intention to place a justificatory burden on his full conception of the good in securing his principles of justice, there are, nonetheless, a number of points raised in his discussion of the full conception which might offer an alternative strategy on the question of regime support and promotion. Consider the following.

> Moral learning is not so much a matter of supplying missing motives as one of the free developments of our innate intellectual and emotional capacities according to their natural bent. Once the powers of understanding mature and persons come to recognize their place in society and are able to take up the standpoint of others', they appreciate the mu-

> tual benefits of establishing fair terms of social cooperation. We have a natural sympathy with other persons and an innate susceptibility to the pleasure of fellow feeling and self mastery and these provide the affective basis for the moral sentiments once we have a clear grasp of our relations to our associates from an appropriately general perspective. Thus this tradition regards the moral feeling as a natural outgrowth of a full appreciation of our social nature.
>
> Mill expresses the view as follows: the arrangements of a just society are so suited to us that anything which is obviously necessary for it is accepted much like a physical necessity. An indispensable condition of such a society is that all shall have consideration for the others on the basis of mutually acceptable principles of reciprocity.[27]

It is in part on these conceptions that Rawls rather directly forms his own account of the citizenry of a just regime.

Later he states, in discussing the moral character of association in the just regime,

> Thus we may suppose that there is a morality of association in which the members of society view one another as equals, as friends and associates, joined together in a system of cooperation known to be for the advantage of all and governed by a common conception of justice .... <u>These moral attitudes are bound to exist once we become attached to those cooperating with us in a just (or fair) scheme</u> (emphasis added).[28]

A strategy for the treatment of the problems of non-co-operation is hidden in the anticipated morality of association of citizens living in a just regime would acquire. The strategy would involve remaining silent on the question of regime support in the original position and relying on the sense of community claimed to develop when citizens live in a just regime.

Two problems arise with this possibility. The first pertains strictly to Rawls' own project. Rawls claims that the principles of right are chosen independently of a full conception of the good; that the full conception of the good is meant to show the compatability of conceptions of the good with the principles derived not as a justification of those principles. To put the burden of system stability on a conception of the good would be to deny the claimed de-ontological strength of the project.

The second problem is more generally applicable. To rely on moral psychology and predictions about moral behaviour based on societal evaluations might well produce a basis for the expectation of sentiments of loyalty (particularly where there are not constraints which preclude the promotion of beliefs). But such analysis itself does not provide a justification for these sentiments. While psychologists may well inform us about how we will come to have moral sentiments and even to distinguish between kinds of moral sentiments, in doing so they are not providing a justification for our having such beliefs.

VII. Conclusion

I believe that I have shown that the justification for the 'natural duty of justice' is weak in a Rawlsian theoretical framework. I do not leave an examination of Rawlsianism, however, with the conclusion of this chapter. In Chapter Six I return to Rawls to consider the partial Rousseauian character of his project, identifying a final strategy for establishing a strong principle of voluntary social co-operation and a

justification for its public advancement. As it stands, however, the Rawlsian project appears to face similar limitations to other liberal theories that rely on prudentialist assumptions, namely their inability to conquer the problem of rational free-riding and foot-dragging.

Notes to Chapter Four

1. Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1971.

2. Rawls' account does not necessarily imply social democracy (taken here minimally as a view which promotes progressive economic redistribution). In part, his procedure is to provide a fair context for deciding between, for example, a laissez-faire liberalism and one which is social democratic. Nonetheless, Rawls can be seen, rightly I suspect, as attempting to advance with his work the social democratic cause in American politics.

3. Rawls' account, while taking an initial prudentialist evaluative base (the 'thin theory of the good') is structured to develop a conception of society and morality which is non-prudentialist in character. Its consideration in this essay is due in no small way to the fact that it attempts a significantly de-ontological account of liberalism.

4. Rawls' work has drawn extensive attention both complementary and critical. The extensiveness of this treatment and the wide public interest it has evoked frees one, I believe, from the duty to summarize it in order to comment upon it. The arguments I will advance focus on a dimension of the work, a claimed problem within the work, not addressed, to my knowledge, in the critical literature.

5. Rawls, op. cit., p. 336.

6. Ibid., p. 115.

7. This content of the natural duty of justice is never explicitly announced by Rawls. Yet it would be required if Rawls' problem of trust is to be met (cf. section II below).

8. Rawls, op. cit., p. 114.

9. Ibid., p. 336.

10. Note here the difference of Rawls' treatment of the problem of free-riding and that which I have pointed to in the previous chapter. Rawls believes that when I see others free-riding, I am encouraged to free-ride as well. This point is a motivational one and I suspect correct (although martyrs are not rare in most voluntary social co-operation schemes). My point is rather that given the conception of economic rationality and assuming that the ends of co-operative projects are in my interest, when others free-ride, I am directed

to contribute, when they are contributing, I am directed to free-ride. Clearly this logic is limited to thresholds of effects. If one hundred are needed and only I am willing to contribute, my contribution is irrational.

11. Rawls, op. cit., p. 336.

12. Ibid., p. 337.

13. Ibid., p. 115.

14. Rawls argues that one of the prime considerations for adopting particular principles for individuals is their consistency with the principles which define institutions.

15. These are the examples Rawls gives as other 'natural duties' (cf. p. 114).

16. Rawls, op. cit., p. 117.

17. Wolff, Paul. Understanding Rawls. Princeton: Princeton University Press, 1977, p. 113.

18. Rawls, op. cit., p. 117.

19. Ibid., p. 12.

20. Ibid., pp. 154-155.

21. Ibid., p. 155.

22. Barry, Brian. The Liberal Theory of Justice. Oxford: Clarendon Press, 1973.

23. Rawls, op. cit., p. 133.

24. Ibid., p. 454.

25. Ibid., p. 137.

26. A tentative analysis of the levels of co-operation in liberal regimes is provided in Chapter Three.

27. Ibid., pp. 459-460.

28. Ibid., p. 472.

CHAPTER FIVE

Political Obligation and Voluntary Social Co-operation: The Extension Thesis

I. Introduction

One plausible strategy for the treatment of problems of voluntary social co-operation would be to argue that they are solved by those justified principles which define our political obligations. This strategy, I argue in Chapter Six, is successfully employed by a number of prominent pre-liberal thinkers. The argument of the liberal theorist would be to advance what I will call the extension thesis. According to this thesis, the questions of political obligation and voluntary social co-operation would be taken to be analogous. Both refer to the authority relationship of the citizen and his government and regime, both require co-operation, and both have plausible means of excusing oneself (disobedience, free-riding, foot-dragging). Thus it could be maintained that a theory which successfully answered the question why I ought obey (my government's) laws could be taken, by extension, to have answered the question of voluntary social co-operation.[1]

This strategy, I will argue, is not acceptable. My argument will not, however, rest on the claim that the cases are dissimilar. Rather, I will argue that political obligation theory in the liberal tradition gains its strength by allowing a clear distinction to be drawn between obedience to law and support and co-operation with governments and re-

gimes. Extending this theory to cover the problems of voluntary social co-operation would conflate this distinction, and by doing so would undermine its ability to handle a number of problems, particularly the problem of justifiable civil disobedience.

Before turning to this argument I would like to offer three general comments about the political obligation literature in the liberal tradition that are relevant to my subsequent analysis. First, it is clear that whatever they may agree upon, many contemporary obligation theorists disagree fundamentally upon the source of the moral and political obligation due the state. As an indication of the breadth of this fundamental disagreement consider the following list of currently displayed conceptions of the source of obligation, each of which is offered by theorists espousing a commitment to liberal politics.

a) natural law theory

b) consent theory -- which implies a contract whose content is transferred rights

c) fairness

d) enlightened self-interest

e) utilitarianism proper -- where the source of obligation is the general happiness principle, and

f) justice -- where the source of obligation is the justice of the regime whose laws are to be respected.

The interest in questions of political obligation has a great deal to do with this debate as to the source of our obligations and considerably less to do with the terrain of obligation theory (i.e. what it covers).[2]

My second comment is a speculation based on a reading of contemporary literature on the question.[3] It is that most obligation theorists are interested in political obligation because they recognize the strength of various claims to disobedience and often support them. What this suggests is that civil disobedience is one of the key questions in the minds of political obligation theorists. An account of political obligation that could not handle the questions of the limits of authority and the right to disobedience would be viewed, by the standards of the contemporary literature, as inadequate.

My third general observation concerning the current literature is that most current commentators view the question of political obligation as having to do with the status of the citizen in relation to his government in terms of his relation to the laws of the state, and only indirectly and by extension in terms of his relation to the particular government. Granting that this distinction is not always easy to maintain in particular cases, it is usually implicitly recognized.

II. The Status of Law

There are some plausible grounds for believing that a justification which underwrites an obligation to obey the laws of the state could be extended to justify a citizen's duty to voluntarily co-operate with the state. First, it is the case that political obligation is not simply co-extensive with legal obligation, that the political and moral status of the citizen is not simply equivalent to his constitutional status. Thus, political obligation is about more than obedience, that it is really

about authority and legitimacy, whether we are considering Thomas Hobbes or Hanna Pitkin. And, interestingly, the real substance of the question of voluntary social co-operation is also the questions of authority and legitimacy. The extension thesis would maintain that if a government's authority justifies an expectation of law-obeying it would, by extension, justify the citizen's duty to co-operate with his or her government when such co-operation is not or cannot be required by law.

Further, there appears to be a sound motivational base for the extension. If one feels obligated to the laws of the state and to its institutions, where these are perceived to be just (or as just as they could be), one would likely extend this feeling to a motivation for co-operation and support. At least one would be motivated to co-operate to the extent that such co-operation didn't seriously infringe upon one's private interests and ends. Thus the legitimacy function of political obligation can be seen to be open to extension.

Despite these plausible grounds the justification for obedience cannot be extended to cover a prescription for voluntary social co-operation or support.

The first reason I offer for this rejection of the extension is that it would involve a re-identification of the status of law in liberal politics. Or, put another way, the extension of political obligation theory from obedience to law to voluntary social co-operation would be acceptable only if no significant and relevant difference could be identified between law and other government requests.[5] If we are to argue that an obligation to obey the law is fundamentally a basis for a duty to volun-

tarily support and co-operate with the expressed requests of a government or regime, we imply, in doing so, a particular reading of the moral and logical status of law. Namely, that laws are different from government requests only in the fact that they are codified, that they are given constitutional status.

In terms of politics this supposition is tenable. Laws are the products of governments. Both law and other government requests are legitimized in much the same way, either as a function of their democratic background, by accepted standards of justice, or by ideology. Yet they (laws and government requests) differ as to their status. To turn a (mere) request of a government into a law is to confer upon it a special moral status.

This special moral status, operationalized in the moral sentiments of the citizenry, allows, for example, the recognition of punishment as an acceptable and special means of treating those who refuse to comply with some of the demands of their government (those enshrined in law). To punish a person implies, both logically and morally, that the person is guilty of breaking a law. We do not, in liberal societies, justly punish a person for refusing to take advice (even if this advice is conceived to be in his or her best interests), or for refusing to aid us in good works unless their action is required by law. We may dislike them, think unhighly of them, socially ostracize them and even, in some cases, harm them. And, in doing these things, our actions have a moral quality. Yet they do not have the special quality our actions have when we are punishing persons for breaking a recognized rule. Laws are codified government 'requests' then, but when recognized as law the community confers

upon them a special status. The moral quality of the 'request' changes and, in a significant way, so to does the character of the relationship of the citizen to his government.

Consider the following case. In Canada, citizens are strongly encouraged by the regime and government to participate in the political life of their communities by voting in state elections. One reason for this is quite clear. Political participation plays an important role in binding the citizen to his institutions and in legitimizing them. The legitimacy function is a product of the fact that the citizen, in participating, underwrites the decisions of his institutions and the regime that governs him. In Australian law, conversely, the citizen must participate in elections by law. The reasons for participation are clearly similar. What is the difference between these two cases? In Australia it would be justifiable to punish the non-co-operative, in Canada it would clearly be unjustifiable. Indeed, in Canada any kind of special treatment of the non-voter would be unacceptable in terms of the accepted moral standards of the citizenry (except, perhaps, public criticism). This difference in moral quality is not be to explained in terms of the goodness of the acts nor in terms of the fact that the act is recognized as important by the government or regime, nor, for that matter, by the relative justness of the two systems of institutions. What is significant is the fact that in one case the government 'request' is a law. That is, it is recognized by both government and citizen as a prescription having a special moral status which allows punishment to be administered.

This feature of law rests on an implicit contention held in liberal

regimes, that the state does not punish without the warrant of the law. Three reasons might be given to support such a contention. First the word 'punish' itself appears to imply, in our normal use, law or rule breaking. Just as it is clear that one cannot 'punish' the innocent, it is equally clear that one can't 'punish' without an offence. Importantly, not all offences are 'punishable'. An ill-tempered parent who hits his child for being loud and boisterous is not punishing him. Equally a person who assaults a wealthy man because of his views on distributive justice is not punishing him. To punish requires both the citation of a rule and the ascription of guilt. The notion of a rule is the key here. For, as the second example above shows, to treat one poorly because he does not respect or act upon a principle or because he does not meet our expectations is not to punish him. Indeed, one of the ways in which we distinguish principles from rules in our use of the terms is to use 'rule' to refer to those prescriptions that are established as entailing punishable offences. We recognize that the 'words of God' as brought down by Moses did not represent God's attempt at moral philosophy. Had it been so, no man could have carried the tablets. Rather, what was involved was the establishment of a number of rules, rules which implied punishment.

The second reason for our beliefs in this area is that the tying of punishment to law insures the recognition of a principle of justice, that of our many sins and guilts we can only be punished by the state for those that are recognized as punishable. It is this principle which requires, in all criminal cases, the proving of the existence of an indicta-

ble offence. Clearly, this is only to recite the fact that the relationship between law and punishment is one accepted within the liberal regime. Its acceptance, however, is well entrenched.

Finally, and particular to liberal theory, is the dual requirement of morality and state relative non-interventionism. Liberal theory relies upon tying the use of state coercion to law as a means of limiting the extent of the use of state power. The codification requirement of punishable (coercible) offences in liberal regimes permits the public recognition of limitations on the employment of coercion by the state. In a sense, the tying of punishment to law is one insurance policy against an overzealous state.

To summarize, an argument to extend the justification of political obligation, as obedience to law, to cover voluntary social co-operation would require that the existence of law (the major difference between the two) does not significantly distinguish between the moral qualities of government requests. To so argue would be to deny the special moral status that codification confers on these 'requests', which, in turn, would undermine both the meaning and moral status of punishment. For this reason, the question of political obligation must be treated strictly as a question of obedience to law. To fail to adhere to it in this way runs the risk of seriously harming one's conception of punishment.

The extension thesis implicates law in a second and related way. It is that a rejection of the significance of the special moral status of law would eviscerate one of the key distinctions in the conception of liberalism. This conception, as it is currently understood and used by

liberal theorists requires that one can distinguish between coercion and other forms of social pressure. For example, in On Liberty[6], Mill wants to disallow the use of law as a device of social coercion to legislate morals (with well known limitations) yet he does allow (even encourages) social condemnation of immoral practices. What he requires, as do subsequent liberals, is a clear distinction between threats and other means of social persuasion. The content of a principle of liberty in liberal society is understood to be a function of the use of law (as the exclusive means of state coercion) to restrict coercion between citizens.

To deny that any relevant distinction applies as between the cases of obedience to law and support to government would be to deny the crucial distinction vis-à-vis coercion and other forms of political persuasion which is centered on the concept of law.

So far I have argued that the extension thesis would put a considerable strain on the key distinction within liberal theory between laws (as coercible punishable devices) and other forms of social pressure. While the liberal response might be to deny that the rule-principle distinction applies, the function it reflects is, I have argued, central to an account of liberal theory. Consider now its effects on obligation theory in the liberal tradition.

III. Obligation Theory Problems

The point of the following analysis will be to extend the arguments I am utilizing to reject the extension thesis. Whereas, above, I have argued that the extension thesis does harm to the concept of law and its

special moral status and thereby does damage to a key distinction within liberal theory, I will argue below that the extension thesis, in doing so, creates incorrigible problems for the obligation theorist attempting to justify civil disobedience.

Again, the argument that I am advancing in this analysis is that the extension thesis requires a rejection of a special moral status of law. If this is so, it has important implications for the meaning of civil disobedience. Consider the following three situations.

(1) a citizen publicly disobeys a piece of legislation because he conscientiously believes that the law is unjust.

(2) a citizen, unhappy with the politics and priorities of his present regime, sets out to undermine it by publicly condemning it (without breaking any laws).

(3) a citizen, unhappy with the politics and priorities of his present regime, sets out to undermine it by publicly disobeying the laws of the state.

These three cases illustrate something interesting about how political obligation theorists have conceptualized the question of civil disobedience. First, case (1) is seen to be the standard form of civil disobedience (if not its defining form). Case (3) would be considered a case of civil disobedience because of the modifying clause, the breaking of laws. The second case (2) is not conceived to be a case of civil disobedience. At the definitional level, acts of protest against regimes that don't involve the breaking of laws are not considered acts of civil disobedience. I will argue that this definitional move is required by political

obligation theory. It is sufficient, here, to point out that the definitional move is made implicitly in the literature, but more importantly, in the minds of reflective citizens.[7]

I maintain further that a shift in the logic of the relationships of political obligation that the extension thesis requires (from citizen-law, to citizen-government), shifts the meaning of civil disobedience. If the extension thesis is taken to apply, acts of disloyalty have to be considered as having the same status as acts of civil disobedience. Disloyalty, granted, is often an evil, but it is not considered, again by the standards of political obligation theory in the liberal tradition, to be neither an act of disobedience nor a problem of political obligation.

The implications of the extension thesis run contrary to the present conceptualization of civil disobedience in the literature and in the minds of democratic citizens. In order to show why these definitional moves are not simply arbitrary, consider the following cases facing the responsible citizen:

(i) the government is reasonably just, yet a particular existing law is clearly unjust;

(ii) The government is unjust, yet (overall) the laws are 'just' (Socrates' example);

(iii) the government is unjust, the laws are unjust.

Judging by the contemporary standards we should look to underwrite the following responses to the cases above. For case (i) the citizen can (or perhaps should) disobey the law, taking care not to express a rejection of his current regime. In the second case (ii), although opin-

ion is divided on the issue, the Socratic insight is to promote a critical undermining of the government without rejecting the laws or their status. For the third (iii), a rejection of both is called for, often implying revolutionary action, where the informed advice is to avoid challenging the status of law in rejecting the system of law and the regime.

In situations of injustice or in situations of conscientious objection the responsible citizen is given the following four possible responses:

(A) disobedience of law to protest law (e.g. marijuana protest example);

(B) disobedience of law to protest government [e.g. income tax invasions (U.S.) to protest Vietnam war];

(C) disobedience of law to protest system of law or system of institutions (e.g. Quebec F.L.Q. mail box bombings);

(D) rejection of government or regime through means other than breaking of laws (e.g. legal protest march).

Remembering that the intention of political obligation theory is to identify where the citizen has a right (or perhaps a duty) to disobey against a background of general obligations to obey (in democratic and just contexts), what are the implications of these responses?

In response (D) it is clear that the citizen has the right to so act, but this right is not one that is sliced away from a prima facie case against action. It is, rather, that the right is a function of a set of democratic rights that are not products of obligation theory.

Yet, in many cases, such action can seriously damage the government or regime in question. The liberal political obligation theorist, nonetheless, does not and cannot admit these responses as acts of civil disobedience. To do so would be to shift the burden of proof upon those who choose to exercise their democratic rights thus damaging the democratic character of the society. As Peter Singer[8] has argued, the existence of democratic politics allows the obligation theorist a vastly strengthened basis for securing obligations to obey. This is the case, I am convinced, at the theoretical level. But more importantly, at the political level the shift would undermine the production of legitimacy within democratic societies.

To include response (D), then, as an aspect of political obligation theory, as an act of civil disobedience would be to harm the democratic functions upon which the strength of liberal political obligation theory partially rests. To treat acts of voluntary non-co-operation as acts of civil disobedience (a move required by the extension thesis) would confuse the identification of civil disobedient acts and weaken the establishment of a right to them while maintaining a general obligation to obey just laws. In my view, the failure of obligation theory to take on the question of voluntary social co-operation by extension is not an oversight. To do so would relieve the theorist of some of the tools with which he is able to craft a system of obligation with modifying rights to disobedience.

Central to the treatment of questions of disobedience in the modern literature has been an implicit distinction between law breaking and le-

gal protest. The former is characterized (where legitimate governments are assumed) by a general prima facie duty to obey from which are cut away various rights and duties to disobey. The latter, legal protest, is viewed (if not neutrally) as a prima facie duty in democratic regimes in the liberal tradition. These two prima facie duties work in opposite directions. However, the distinction employed to set in motion these countervailing forces is one whereby certain government 'requests' are understood as different in status than others. To deny this would require that loyalty be understood, in strictly Hobbesian terms, as an all or nothing proposition.

The extension thesis fails then on three counts, of somewhat differing strengths. First, it would require that no relevant difference (viz. citizen duties) pertains to a distinction between laws and other government 'requests'. The absence of such a distinction would implicate our understanding of concepts such as punishment. Second, the absence of such a distinction would undermine the conceptualization of the principle of liberty. While other concepts other than the 'special status' of law could be used, the distinction between state coercion and government persuasion is crucial to the liberal paradigm. Finally, the failure to distinguish between the two questions, voluntary social co-operation and legal obedience, would harm a contemporary distinction within political obligation theory in the liberal tradition, that between legal protest and law breaking.

The extension thesis does admit, however, a motivational function in political affairs. Because both the questions of political obedience

and voluntary social co-operation entail conceptions of authority, treating the question of government authority as a single question would provide an ideological legitimacy-producing spillover effect. However what is involved is really two different kinds of authority and it is to this distinction that I now turn.

IV. Distinguishing Categories of Authority

Political obligation theory and a theory of voluntary social co-operation both have two purposes. The first is to sort out the variety of cases of the relation of the citizen to his government and regime and, in doing so, to identify categories of justifiable action. The second purpose is to investigate the underlying questions of legitimacy and authority.

It is as a function of the similarity with regards to the second purpose that the extension thesis acquires its initial plausibility. However, while the two questions, obligation and voluntary social co-operation, both deal with the question of authority, they must identify the question in different ways if what I have argued up to this point is to stand.

Political obligation theory examines the relation of the citizen to his government and regime as mediated by law. As such, the question of authority is one which focuses on the legitimacy of laws as a function of their source, their justification and their application. The central questions of political obligation theory, therefore, are: under what conditions is the citizen obligated to obey the law; and, related, what

are the limits of a government's legislative authority? In examining these questions the theorists considers other related questions: who made the rules and did they have the authority to do so; are the rulers legitimate; are the rules just; who can enforce them and by what means; when can the citizen rightfully disobey them; and, is he ever under a duty to do so?

Alternatively, voluntary social co-operation theory would examine the relation of the citizen to his state as a function of the authority of the persons, governments, and regimes which occupy the institutions of the state. In doing so it would bring to bear a different focus, clearly, but, as well, a different meaning of the concept of authority. In examining this question the theorists would want to know the basis of the authority of the persons in question: their goodness; the justice of their priorities; their recognition by others; their expertise, knowledge, insight; and their interests.

Consider again the analogy of hockey. Suppose a referee approaches a player and gives him two pieces of 'advice': (1) that he stop butt-ending; and, (2) that he start picking up his opposing winger. What is the considered appropriate response of the player to the two pieces of advice? First, he must respect the first. He must, because what the referee is doing is citing a rule, with an implicit threat. With the second, the player is not bound to accept, reject or even listen to the advice. Note that regardless of their difference both pieces of advice could be considered in the best interest of all involved in the practice. What is it then that explains the apparent difference in moral quality

of the authority upon which the two pieces of advice is based? The difference can be seen by supposing what the ordinary player would be thinking in considering the two pieces of advice. With the first (1) he would want to know: is the cited rule really a rule of the game; and, is he obligated to obey it? With the second (2) he would want to know, perhaps: does this referee know what he is talking about, does he understand the game and what serves it best?

What I believe to be illustrated by this example is that in the relations between citizen and government there are actually many types of authority in play. One distinction between two types of authority is central to the theoretical model of liberalism however: the first, de jure authority, presupposes and implies rules and rule defined offices. The referee in citing the rule, or legislators passing bills are both instances of the exercise of de jure authority. "The extent of the official's (de jure) authority depends not on whether he can get others to act, but rather on what actions are open to him within the rules."[9] The central characteristic of de jure authority is that it is tied to a delimiting set of rules. These limits, as Hannah Arendt[10] and C.J. Friedrich[11] have suggested, are important to the limitation of the legitimate use of power.

Distinct from this sense of authority is a number of other kinds of 'authorities', all of which can be seen to fall under the umbrella of 'de facto authority'. However, I distinguish from these one particular conception of authority often referred to as 'expert authority'. The meaning encapsulated here is that one can be taken to be an authority

on some question or area of knowledge. This concept can be broadened to include any source of advice that because of the character of the source, is to be heeded. The symphony conductor has both kinds of 'authority' (plus often other types, traditional or charismatic). In his relation to the members of the symphony he can cite his de jure authority in getting co-operation or his 'expert' authority.

However as regards the relationship between these two types of authority there is a curious asymmetry. One can legitimately cite the conductor's expert authority, in a generalized sense, as grounds for his de jure authority. If all conductors had my conductor's ability, no rule underwriting their de jure authority would ever be legitimate. However, one cannot cite the conductor's de jure authority as grounds for his expert authority. Many are the times where symphonies will 'destroy' a guest conductor, all the while respecting his de jure authority.

My claim is that to the extent to which political obligation theory and our political obligations refer to our status vis-a-vis de jure authority (that extent being considerable) no light is shed by extension on our understanding of when we ought, if ever, to respect this second kind of authority of regimes and government.

The distinction as regards these two concepts of authority in the citizen's relation to his regime is a complex one. Hobbes includes an obligation to both forms of authority in the office of the sovereign, his promotion of both resting on the argument that the sovereign best knows the interests of citizen. However with the introduction of the principle of liberty, a contradictory assumption need be made. While, as in the

symphony case, the players are free to follow the advice of their conductor as a function of his 'expert' authority, his legal authority in no way supports this, except, perhaps, motivationally.

When Benn claims, "the relationship of de facto authority most commonly arises from de jure authority ... gives(ing) an official or ruler a right to command or to make pronouncements for others to accept",[12] one hopes he is making a sociological comment.

In the referee case then, the referee gives his 'advice' on two bases of authority. In the first case, as an example of de jure authority, his advice ought be heeded (other things remaining equal) because the referee fills a role within the game which itself is conferred authority. However, with the second piece of advice, his role, even where he is the president of the league, has no necessary connection to his authority.

The questions of de jure authority are complex, important, and interesting. As treated by obligation theory, they perhaps are the central political questions of any society. Yet no amount of clarity, precision, nor insight on these questions necessarily informs the other question of authority. As the challenge to liberal theory has been put in this essay, answers to the question of voluntary social co-operation require that the oughts provided be consistent with the principles of the regime which respects them. I have attempted to show that the underwriting of these oughts by citing the authority of regimes to make and enforce laws or by citing the obligation of citizens to obey these laws does nothing (except to provide perhaps a motivationally based extension — an ideology of sup-

port) to advance a duty voluntarily to co-operate with one's regime, state or government. That a government or regime wants support, expects or knows it to be best are dimensions independent of its status as a legitimate de jure authority. The most just, true and wise liberal government can only ask; they cannot, it appears, cite our duty to support them.

V. Conclusion

I have hopefully convinced the reader that the extension thesis as a strategy for securing the rightness of regime or government support is untenable.

Notes to Chapter Five

1. John Ladd argues, "Moral philosophers are prone to use 'obligation' in an extended sense so as to cover almost the whole ... of morality'. (Ladd, John, "Legal and Moral Obligation' in Pennock and Chapman, (eds.). Nomos XII: Political and Legal Obligation. New York: Atherton Press, 1970, p. 7.

2. Kurt Baier, reflecting the views of most contemporary theorists states, "The traditional problem of obligation is thus the problem of whether anyone and everyone ... has a prima facie obligation to do a certain sort of thing, namely, obey the directives (laws) of that state ...." Baier, Kurt, 'Obligation: Political and Moral' (Ibid., p. 116). (emphasis added).

3. As a general indication of the work in this area I refer to the Nomos Collection, Political Obligation, ed. J.P. Pennock and J. Chapman for the breath of its representation, and, for the clarity of its conceptualization, Richard Flathman's Political Obligation. See also: Plamenatz, J.P. Consent, Freedom and Political Obligation. London: Oxford University Press, 1968; McPherson, Thomas, Political Obligation. London: Routledge Kegan Paul, 1967; Waltzer, Michael, Obligations: Essays on Disobedience, War, and Citizenship. Cambridge: Harvard University Press, 1970); Macfarlane, Leslie J., Political Disobedience. London: Macmillan, 1971; Singer, Peter, Democracy and Disobedience. Oxford: Clarendon Press, 1973. See further, Brandt, R.B. "The Concepts of Obligation and Duty". Mind, vol. lxxiii, no. 291 (July 1964).

4. Gary Dorsey makes use of the motivational dimension of the extension in his discussion of 'felt obligation'. "My hypothesis is that men adhere to, support, obey and defend constitutional principles in part at least because they believe them to be right." Dorsey, G. 'Constitutional Obligation' (Pennock and Chapman, op. cit., p. 180).

5. I employ 'requests' here to refer to a broader category of government prescriptions for voluntary social co-operation (advice, demands, etc.). The main point is that these other calls to action are extra-legal.

6. Mill, J.S. On Liberty. Crofts Classics, 1976.

7. The distinction between civil disobedience and 'disloyalty' is not always, however, recognized. L.J. Macfarlane claims 'The term 'political disobedience' is used by political theorists to the performance of acts forbidden by law and the state which are consciously directed in some way against the authority of the state.' (op. cit., p. 11). (emphasis added).

8. Singer, Peter. op. cit.

9. Renn, Stanley. 'Authority', in The Encyclopedia of Philosophy, (Vol. One, p. 215, 1967).

10. Arendt, Hanna, 'What Was Authority' in Nomos I-Authority, ed. C.J. Freidrich (Cambridge, Mass.: Harvard University Press, 1958, pp. 81-113).

11. Friedrich, C.J. 'Authority, Reason, and Discretion', Ibid., pp. 28-49.

12. Benn, Stanley, op. cit., p. 216.

CHAPTER SIX

Conclusion

I. Introduction

As this is to be the concluding chapter I would like to start it by summarizing the analysis I have presented to this point, at the risk, I understand, of being suspected of the Chinese water torture school of writing. Following this, I intend to offer three sections that are meant to bring my analysis into perspective and to suggest some further implication of its conclusion.

To begin, my inquiry has been focused on considering the question of whether liberalism, as a theory and model of politics, is capable of securing a principle of voluntary social co-operation as regards the citizen's relationship with his government. For analytical purposes, I construed the accounts of liberalism I was investigating with commonly presumed background conceptions of evaluation. These are required by liberalism in order to expand the principle of liberty, the heart of democratic liberalism, into a full blown political paradigm. I have argued for, and hopefully established strong prima facie grounds for the claim that none of these conceptualizations of liberalism can secure a strong justification for voluntary social co-operation. As a response to those who might hold the view that the question of voluntary co-operation in liberal theory is covered by the literature on political obligation, I have hopefully shown that this assumption is untenable.

What, then, are the implications for liberal theory given the problem of voluntary social co-operation? In section four below, I discuss two central implications in detail. For now, I think it must be concluded that the theoretical inability to underwrite voluntary social co-operation constitutes a serious flaw in prudentialist liberalism as a model of politics. Its limitation, in the area I have investigated, is that liberalism cannot adequately prescribe an active voluntary relationship between the citizen and his government. What it can do, and does perhaps better than any other view, is secure the citizen's legal (constitutional) relationship with the state. Hopefully, however, my second chapter has shown that this dimension of the citizen-state relation is not sufficient for the securing of most public policy ends.

This conclusion in general, is neither novel nor, I think, radical. Hegel's 'civil society' has long been recognized as the real and only terrain upon which liberalism is at home. Yet my analysis has hopefully added to this view by showing that this terrain is not sufficiently secure for the creation of public policy in complex modern societies and by re-identifying the failure in the language of the liberal theorist.

How one responds to this 'finding' depends largely, I suspect, upon how one identifies the values that liberalism brings to politics. Again, I take this up in the discussion that follows. It is worth remembering, however, that what liberal theory initially brought to politics and to political philosophy was a critique, a critique of the holistic organic perspective of the previous age. In general, what I believe my analysis suggests is that liberalism has been asked and is being asked to carry

more than it can bear. That what was in its inception, in Locke and in Mill, a criticism of prevailing views has, in the last century, become a reified image of itself.

II. Pre-liberal Conceptions

It is interesting to note that prior to the inception of liberal political theory, the problem of voluntary social co-operation was one which was both recognized (often implicitly) and, on the whole, systematically dealt with. In this section I will discuss three theorists, examining the perspectives they brought to bear on the question.[1] The first two, Plato and Hobbes, will receive somewhat superficial attention. The third, Rousseau, I will discuss in more detail. Of all the theorists who are at odds with Locke and Mill, it is Rousseau that appears best to understand and lend insight to the eventual solution of the problem.

Platonic philosophy offers the most comprehensive treatment of the political life of communities. While some will argue that Plato offers the best and final work in political philosophy, it is clear, at least, that he has posed most, if not all, the interesting and important questions. In an attempt to suggest why this is so and how it implicates the problem of social co-operation one need only cite the following methodological bent of Platonic political philosophy which is evidenced most clearly in the Republic. It is that Plato studies the political and social relations between persons in a community in terms of the internal logic of the interrelations of their essential characters. It is this

internal structure among characters, based in nature and discovered by reason, that defines the principles of excellence in social life. The externalization of this internal structure, in writing, in law, or in moral prescription is an abstraction from the internal logic and thus superficial or approximate.

While Plato does not address the question of voluntary social co-operation directly (he would have likely thought it a somewhat misguided question), he advances a number of arguments which inform the question. First, Republic argues that of all the secondary functions (the primary function, justice, is the principle I've identified as methodological above) of a moral understanding of human life, most are to be understood in terms of one's contributions to the health of a just society (the return to the cave is the best illustration of this). Second, he implies that a failure to co-operate in promoting the just ends of social life is due only to one's misunderstanding either of one's character or of the ends (in terms of structures) to which and through which this character is directed. Third, he argues that in the just or nearly just society the use of public religion and ideology (the 'myths') to secure co-operation is justified, as such ideology is truly educational. And finally, he suggests (or at least has been understood to suggest) that the primary political function in any society ought to be the education of citizens. Education is understood here to inform citizens of the requirements for their co-operation given the demands of justice.

This cursory account strongly suggests that the Platonic insight into the question of voluntary social co-operation would have us look

to the essentially organic character of social relations in a just society. For Plato, and for many subsequent philosophers, social life is not fully intelligible without a prior understanding of its essentially organic character. The 'ought' needed to underwrite one's noncoerced cooperation is established by the claim that one ought to know oneself and one's relations with others in their deepest dimensions.[2]

I use the idea of organicism here quite reluctantly. The concept carries with it rather a bad reputation for over and misuse. Also, its use is understood to carry with it metaphysical propositions which would require somewhat extended treatment. As regards its present use, however, I am referring to a considerably less ambitious conception. It can be stated in the following way. As a second order concept it is analogous to a conception of rights whereby societal rights (or goods) are taken as prior and fundamental to individual rights (or goods). As thus stated, the organic view of society would encapsulate one of the fundamental principles of tory thought (and, in some cases, socialist thought). Used in this manner by Devlin in an otherwise dismaying argument on the legislation of morals, 'Morals and the Criminal Law',[3] it relies, however, on a more fundamental principle. It is that as a methodological principle for the understanding of society, the concept of the social whole, or the concept of a group is both prior and predominant to the concept of the individual. It is at this second level that the conception becomes more complex than it need be for the analysis that follows. So, for the purposes of this analysis, organicism is taken to refer to a view in which the liberty of the individual takes a second place to the security,

integrity and development of the social whole. I will refer to this view, to avoid confusion, as 'quasi-organic'.

Hobbes, in contrast to Plato, provides direct grounds for voluntary social co-operation.[4] The justification in Hobbes can be seen to run parallel to his justification of political obligation. Depending upon one's interpretation of the source of obligation, co-operation is justified by a long run tendency of regime collapse, the formal condition of extending co-operation for all if expected of one, and the covenant. Hobbes feels at liberty to dismantle the distinction between state laws and the legislator's other prescriptions, to include loyalty as a function of the political obligation of the citizen, largely because he does not need the distinctions required to establish a priority principle of liberty. For Hobbes, the citizen is at liberty in those things upon which the legislator is silent.

As most first-time readers of Hobbes will point out in expressing their respect for Locke, the cementing of a political society is, for Hobbes, an all or nothing proposition. Either one has no obligation or one has complete obligation to the sovereign (save one). Political obligation is salvaged in the process because Hobbes is not interested in establishing many of the distinctions required by democratic liberalism.

Hobbes' underwriting of voluntary co-operation is based on a number of fundamental propositions in the Leviathan. First, the political society, as a function of the rationality of fearful and desirous men, requires the total submission of the citizen to his sovereign's authority. Second, the content of this submission is the education of men fit to

live in political society. Third, given that education is in the interest of all parties to the covenant, their duties to act on a principle of full (voluntary and legal) co-operation are duties underwritten by their own enlightened betterment. Unlike the prudentialism discussed in Chapter Three, the values of the ends of Hobbes' men are not to be discounted exponentially through time.

In broader terms, while Plato's cementing of politically just societies comes as an awareness of the natural essential social harmony of men with differing capacities, Hobbes' society is cemented against a natural background of antagonism between men. Both recognize, however, that the social union, if it is to be satisfactory, requires the structuring of relations that transcend legal-constitutional categories. This structuring requires that the recognition of political authority is total. As well, Hobbes' theory allows, as Plato's encourages, the use of public ideology in cementing the citizen's identification of his 'voluntary' binding to the state and its purposes. Unlike the liberal conception, however, a utilization of public ideology does not contravene, in spirit or in effect, the central principles through which the political philosophy is to be identified.

Rousseau's thinking on the question of the authority structures of just societies, and by extension on the problem of voluntary social co-operation, shares similarities and important dissimilarities to that of both Plato and Hobbes. The primary dissimilarity relevant to the question at hand is Rousseau's interest in protecting the moral independence of the citizen, in providing a realm of freedom in social relations.

Clearly this moral independence is not, as it is in Locke and Mill, defined in terms of the legal categories of civil society. Rousseau was not only sceptical of civil society as a means of providing just social relations in a functioning state, he saw civil society as a context for the disintegration of just social relations and real freedom. Yet, at the same time, he appears not fully satisfied that either Plato or Hobbes provided the groundwork for social relations in the state that both transcended the relations of civil society and protected the moral autonomy of the citizen. It is this dual challenge which, in large part, defines Rousseau's project in his work.

The Social Contract can be read in a variety of different ways. I do not intend, in what follows, to defend my particular reading. Rather, I will point to a number of aspects of the theory which are applicable to a resolution of the problem I have identified as voluntary social cooperation.

The first point is that Rousseau's derivational account of the principles of a just and 'free' society are procedurally advanced. The central feature of this procedure is the recognition of the creation of binding commitments between the individual citizen and all other parties to the agreement. The central act of social union, for Rousseau, is an act of the free will of each in acknowledging, accepting, and committing oneself to a social union. Once this act is accomplished there are understood to be a number of conditions recognized for its maintenance as a just system of citizen-state relations. Central here is the moral independence of the individual in creating the social union and acknowl-

edging its principles and policies,[5] the utilization of a wise and independent legislator in structuring policy alternatives, and the relative material equality of the citizenry. These conditions and one (discussed below) are identified by Rousseau as requirements for insuring the justice of relations between citizens in the cementing of a social union. Once these are achieved, Rousseau provides and promotes the use of a civic religion for maintaining the citizen's commitment to the state, and through the state, to other citizens. The primary aim of such a system of ideology was to promote the recognition of one's obligations and loyalty to the state. Again, however, as with Hobbes and Plato, Rousseau's proposed reliance on ideology to underwrite voluntary social co-operation was not opposed in content or in spirit to the principles and procedures that define his political theory (as they would be, I have argued, in liberal theory). The reason this is so, I suspect, is that Rousseau's conception of freedom is not the conception of freedom proposed by the liberal.[6] Thus, the maintenance of the legal-social distinction in public policy is not a requirement of a well functioning and legitimate Rousseauian regime.

What I have attempted to suggest in the cursory discussions of the three philosophers is that a paradigm of politics which covers the problem of voluntary social co-operaiton is available to us. Indeed, it was, I would suggest, the dominant paradigm prior to the institutionalization of liberal theory as the model of the citizens' relations with others and with the state. The central features of the paradigm would be as follows:

(1) that the relations of citizen to state be understood as organic or quasi-organic relations;

(2) that conditions of justice pertain; and,

(3) that the social cement of society be maintained through an active, enlightened ideology.

In the section that follows I discuss these conditions of an alternative model, relying heavily on Rousseau, to set up a contrast with the illicit use of a public religion in liberal societies.

III. The Alternative Model

The first feature of the alternative model is estalished, in Rousseau, by the positing of two principles of just socieites. The first, as I have suggested, is that Rousseau's conception of freedom is not one dependent upon the use or non-use of state 'coercion' as a defining concept. Freedom, as moral autonomy, in Rousseau, has to do with the integrity of the will the citizen brings to his political life and not the dispositional liberty, the room to manoeuvre, he is accorded. As such, the use of state coercion is justified and is not in opposition to the citizen's freedom where such coercion is meant to create or preserve the conditions for maintaining the integrity of the citizen's will. This is what must be meant, if we are to accord to Rousseau a sincere intention, of the phrase 'forced to be free'.

The second principle of just societies that allows an organic or quasi-organic reading of relations in the state is that political societies must be reasonably small. This insight recognizes that state relations must not be understood as abstractions from social relations, but rather as concurrent with them. This does not mean, however, that

societies which are large and complex cannot underwrite such an understanding of the dominant character of state relations. But it does suggest that where the society is large and complex, the likelihood of maintaining such an understanding is significantly decreased.

Many of the conditions that Rousseau identifies as required for just relations in the state are noted in the previous section. The remaining one is that no sub-groupings are to be allowed in the just society. This principle is also relevant to the first point discussed above, as sub-groupings would undermine one's understanding as a citizen of one's commitment to the society. Yet when coupled with the requirement of relative material equality, Rousseau's intent is to insure that power in a society is not allowed to be concentrated. The concentration of power, a prima facie impediment to justice, undercuts the justification of the use of public religion, for, as can be imagined, public religion is easily corruptible by dominant groups within any society.

Finally, the third feature, a public religion, is to be understood as functioning to support the existence of societies where the two preceeding conditions obtain. As such its primary function is a motivational one. It is to be structured to promote the organic understanding of state-citizen relations, the internalization of principles of justice, and by doing so, provide the legitimacy functions required for political obligation and voluntary social co-operation. The rightness of both is established by the organic identification of state relations, the integrity of the citizen's will which underwrites the social union, and the conditions of justice.

The model I am constructing here shows an important similarity to Rawls' Theory of Justice, examined earlier. Yet it is different in a number of respects. First, Rawls does not posit organic relations as the relations of citizens in the state. Second, he wishes to maintain the 'liberty' of the liberal model which forces him to require an independent grounding of voluntary social co-operation. And finally, his conditions of justice are not as radical, since his principle of liberty requires freedom of association, which I have argued undermines the legitimation of an organic identification of citizen relations, weakens the conditions of justice, and thereby undermines the use of a public religion. On these grounds, Rawls' insistence on an ideology of justice is unacceptable.

I am not prepared to commit myself to the view that Rousseau's conception provides a conclusive case for the duty of voluntary co-operation. This reluctance is due to Rousseau's treatment of material inequality, which, even given his discussion in On the Origins of Inequality, is largely unsatisfactory. Despite this, the protection of the integrity and independence of the citizen's moral freedom and the positing of other conditions for just regimes does convince one of a prima facie duty to voluntary co-operation (in those ends recognized as within the general interest of the society). In other words, given that the ends of policy are in the interests of all and that conditions of justice protect the continued purity of the initial social commitment, a duty of each to contribute through uncoerced co-operation to policy ends is supportable. And most importantly, such a prima facie duty is consistent with the

terms through which the paradigm is advanced.

IV. Organic Structure and Equality

Assuming this alternate paradigm of politics, how does it compare with the liberal paradigm I have been discussing? It is clear, first, that a public ideology of co-operation is used, in contemporary liberal regimes, in citizenship education, in the political culture generally, and in the symbolic dimension of political life, from the British working class loyalty to the monarchy and the patriotism that permeates American political culture, to, in our own context, the call for tripartite business, labour, and government relations and the call for a citizen-based defence of the aims of national unity. Second, it must also be seen, if what I have argued in my second chapter is correct, that the employment of a public ideology of co-operation (and its implied duty) are not accidental effects of a political union; that, rather, it is in the very nature of political life, and, in particular, in public policy creation, that this requirement is produced and sustained. Political theories prior to liberalism, as I have suggested, addressed this requirement and, for the most part, provided persuasive prima facie grounds for the justification of the duty of voluntary social co-operation and the utilization of an ideology to produce it. Liberalism, if my analysis is correct, cannot solve the problem in the same way, given its attendant background conceptions of moral evaluation and commitment to liberty. It is by contrasting liberalism with the alternative paradigm that the reasons for the inadequacy of liberalism on the point can be seen, and, by exten-

sion, the effects of an employment of a public ideology of co-operation on the liberalism it would be meant to support.

Consider first, the positing of organic or quasi-organic relations as the dominant structure of intra-societal relations. Organicism, or anything clearly approximating it, would run counter to the methodological and ethical predisposition of the liberal theorist. Primarily, in this regard, organicism in incompatible with a recognition of the centrality of individual liberty, with the primacy of the individual as the unit of ethical and political analysis, and with the priority attached to the development of the individual as a means to the subsequent development or moral relations between citizens. As a function of these predispositions, rights and liberties are conceived, in the liberal tradition, as claims against the intrusion of the state into the affairs of the individual citizen. Or, alternatively, as claims against other citizens in protecting the independence and freedom of the individual. In both cases, the thrust of liberal theory, if not its very language, is opposed to the recognition of fundamental sociability as a foundation for the political status of the citizen.

To use an ideology to promote any quasi-organic understanding of socio-political relations to support the liberal paradigm at a second level would be unacceptable. For it would require a duality of political understanding where the separate levels were opposed in language, and in intent. As such, it would damage the integrity of both. This effect can be seen in the makings of political party systems in contemporary liberal-democratic societies. The model of the system, as a system of liberal

politics, requires competition of policy preference. Yet the success of parties requires an integrationist perspective. Such a perspective is advanced by the positing of an ideology defined in an organic or quasi-organic language.[7] The adoption of such an ideology runs counter to the justification of the party (in its relations to other parties in the system) which employs it. A party can't be both integrationist in this way and also 'principled' without damaging the integrity of one or the other face it shows to the public.

To rely on an ideology which was not constructed in organicist terms to underwrite voluntary co-operation functions is similarly problematic. For, given the various background conceptions attendant to liberalism, such an ideology would be promoting the irrational. One can, motivationally, promote irrational action to support rational ends, yet a political paradigm which required this has built into it theoretical and political insecurity.

The alternative paradigm differs from the liberal paradigm in a second important respect, in the conditions it poses as the requirement of just relations within the state.[8] From the Rousseauian perspective three of these conditions were noted: that the act of social union was an act of citizens whose moral independence (as integrity of will) was insured; that a situation of relative material equality was obtained and recognized constitutionally; and, that all sub-groupings within society were to be disallowed. The general contention was that where these conditions pertained, the use of an ideology of co-operation was justified, as the conditions themselves support a prima facie duty of voluntary co-

operation.

I intend to illustrate why it is that liberalism could not adopt these conditions and thereby underwrite voluntary social co-operation. I will suggest further what the implications are for the utilization of an ideology of co-operation where these conditions are not met. In order to accomplish these tasks, I return briefly to the work of John Rawls' in A Theory of Justice.[9]

A Rawlsian could argue that barring other means to enact a duty to voluntary co-operation and a justification of the employment of an ideology of co-operation, these justifications can be secured by the justice of governing political institutions. As such, Rawls' work is the most powerful in the literature in salvaging liberal theory by constructing around it a theory of justice.

Although neither the Rousseauian nor the Rawlsian account of material equality discusses inequality in production, there is not much of a significant difference between them that would alter the question at hand. (If anything, perhaps both fail in structuring sufficiently fair distributive principles to support a duty to co-operate for all). Yet with the other two conditions there is a considerable, and I would argue, decisive difference.

Rawls' attempt at protecting the integrity of the will of the parties to the social union is achieved through the mechanism of the veil of ignorance. As such, it is abstract. While Rousseau's pre-Kantian flavour is not to be dismissed, the integrity and autonomy of the will is maintained (brought down) to society and constitutionally enacted. Censor-

ship is to be allowed in Rousseau's society, and citizens are not to be barraged by the views of others through the influence of groups. It is clear, therefore, that Rousseau's conception required that the autonomy of the will was to be understood as an actual property of citizens living in actual societies.

Censorship is utilized in a Rousseauian context to protect the citizen's moral autonomy. As such the condition of moral autonomy is a characteristic of everyday political life. It is clear, however, that preserving the autonomy of the will in Rawls is not to be understood in a similar fashion. On this point Rawls is a Kantian and not a Rousseauian. It is also clear that such a condition could not be met by Rawls, since censorship is disallowed by the principle of liberty. Rawls conditions of justice, then, are weaker than are Rousseau's, as the context for their production is abstract and formal.

On the third condition, the disallowance of groupings, the Rawlsian theory falls short as well. As was suggested, this condition is instituted in Rousseau, in part, to disallow the concentration of power in terms of the manipulation of public opinions. Such concentration was seen by Rousseau to be an impediment to maintaining the moral autonomy of the citizen, and thereby, allowed the impoverishment and degeneration of the citizen's commitment to the social union.

> It is therefore essential, if the general will is to be able to make itself known, that there should be no partial society in the State and that each citizen should express only his own opinion ... These precautions are the only ones that guarantee that the general will shall be always enlightened, and that the people shall in no way deceive itself.[10]

Rawls, in contrast, is insistent on maintaining freedom of association as a central constitutional right. Again the primary basis for the insistence on this condition is the importance Rawls attaches to the value of individual liberty.

It is not clear whether, in the last instance, Rousseau's conditions of justice for the state are adequate to create a strong case (for the duty to co-operate). However, coupled with the organicist conception of state relations he prefers and promotes and the utilization of a public ideology of co-operation, the motivational basis for voluntary co-operation in a Rousseauian state would be strong. And, importantly, such a motivational basis is created without contravening the terms through which the arrangement of the polity is justified.

With contemporary liberalism, and particularly with Rawlsian liberalism, the conditions of justice are (with perhaps the exception of the conditions of material equality) less persuasive in their underwriting of a duty to co-operate and in their justificatory force vis-á-vis an ideology of co-operation. A liberal society which allows a public ideology of co-operation to operate not only runs the risk of damaging its theoretical integrity. As well, given the limits on the conditions of justice which liberalism admits because of its commitment to extensive liberty, its utilization harms the integrity and moral independence of citizens whose wills create the social union's justificatory and legitimizing functions and allows for the manipulation of the public ideology by allowing the existence of associations, which, in principle, can control the functioning and content of such an ideology.

My argument, to summarize, is that a duty voluntarily to co-operate with the state and a justification for the motivational support of such a duty through the use of a public religion are given plausibility by the alternative paradigm of society I have sketched. However, the transference of these aspects of the alternative model to the liberal conception is unacceptable. It is unacceptable in that it would damage the theoretical integrity of the liberalism it was meant to support. But perhaps more importantly, it would damage, through a process of mystification, the legitimacy functions which motivationally underwrite the constitutional binding of liberalism.

Nonetheless, the use of ideologies of co-operation, through political culture manipulation and through morality, is extant in many contemporary liberal democratic societies. It is utilized because it is required by public policy demands (as perceived). However, if what I have argued throughout the dissertation is correct, the employment of these devices is illicit in liberal regimes and, in the end, harmful to their continued existence.

V. Conclusion

The key to the difference between the liberal and the alternative paradigm is the centrality and primacy of the value of 'civil liberty' (freedom from state coercion) in the liberal paradigm. It disallows the promotion of corporate understanding of citizen-state relations and the positing of certain conditions of justice. As such, it pre-empts the justified use of a public ideology of co-operation.

Yet 'civil liberty' is a recognized value. As Mill so persuasively argues, it is a requirement of the moral development of individuals and similarly provides society with a richness that would not be as easily attained without its recognition. Further, even in the somewhat collectivist reading of Rousseau I have advanced, civil liberty is recognized as a value.

What I would suggest is that the limitations of liberalism as evidenced by the problems of voluntary social co-operation are not strictly functions of the recognition of the value of liberty. Rather, they are engendered when liberty is supported and accompanied by a prudentialist evaluative base.

Notes to Chapter Six

1. My intention is neither to provide a survey of intellectual history nor a comprehensive account of those philosophers I discuss. Rather my interest is in gathering from them a number of relevant insights to construct a model of politics which would accommodate the problem of voluntary social co-operation for use in subsequent analysis.

2. For those in Plato's society that cannot know, coercion is required and extensive coercion is admitted. Only, however, if public education and public religion, as in Plato's Sparta, is not efficient.

3. Devlin, Patrick. In Obligation and Dissent. Ed. Hanson and Fowler, Boston: Little Brown and Co., 1971.

4. See Hobbes, Thomas. Leviathan. Ed. Peters, 1962, p. 115.

5. The reasons for this commitment, both in motivational and rational terms, is set-up by the Second Discourse, where sympathy is a key function in the creation of social relations.

6. Rousseau distinguishes between 'civic liberty' and 'moral freedom', the latter recognized as the more fundamental. His conceptualization of 'civic liberty' is largely consistent with the 'liberty' of Mill and subsequent liberal theorists, involving the freedom to act without coercion. 'Moral freedom' has to do not with this freedom to act but rather with what I am calling the integrity and independence of the will of the person. While Rousseau may intend more to be read into this, I take him to be insisting that moral freedom requires that one's identification of social ends is not a function of other's influence; that, for example, one's social status (his recognition by others) does not dominate one's identification of ends. As such, moral freedom is only indirectly related to coercion, since general curtailment of civil liberty can be seen to produce the conditions for developing moral freedom.

7. As an aside, it is interesting to note that the form such an ideology takes in liberal society is often set in terms of an organic conception of the relations within society. This may, as Panitch suggests, be a function of the fact that brokerage parties in liberal society (the offshoot of the pluralist reading of liberalism in the modern age) require, for their effectivity, an underlying integrationist conception of political interests. See Panitch, L. 'Ideology and Integration: The Case of the British Labour Party'. Political Studies, XIX, No. 2, December 1971, Oxford: Clarendon Press.

8. Clearly liberalism is not committed to any particular conception of justice. My contention here, rather, is that the conditions posed by the alternative paradigm, which support the duty to co-operate and justify the employment of an ideology to insure co-operation, are such that they could not be adopted from a liberal perspective.

9. Rawls, J. Op. cit.

10. Rousseau, J. The Social Contract. Everyman, pp. 185-186.

BIBLIOGRAPHY

Classical Texts:

Aristotle. The Nicomachean Ethics. Ethics, trans. J.A.K. Thomson, Middlesex: Penguin Books, 1955.

Aristotle. The Politics. Trans. T.A. Sinclair, Middlesex: Penguin Books, 1962.

Bentham. J. Principles of Morals and Legislation. In The Utilitarians, New York: Anchor Books, 1973.

Green, T.H. The Political Theory of T.H. Green. Ed. J.R. Rodman, New York: Crofts, 1964.

Hobbes, Thomas. De Homin and De Cive. In Man and Citizen. Ed. B. Gert, New York: Doubleday, 1972.

Hobbes. Thomas. Leviathan. Ed. Michael Oakeshott, New York: Collier Books, 1962.

Hobhouse, L.T. Liberalism. New York: Henry Holt and Co. (date unknown).

Hume, D. Hume's Moral and Political Philosophy. Ed. H.D. Aiken, New York: Hafner, 1972.

Kant, Immanuel. Groundwork of the Metaphysic of Morals. Trans. H.J. Paton, New York: Harper and Row, 1964.

Locke, John. Two Treatises of Government. New York, New American Library, 1960.

Mill, J.S. On Liberty. Northbrook, Illinois: Crofts Classics, 1947.

Mill, James. Essay on Government. Ed. C.V. Shields, New York: Bobbs Merrill, 1955.

Plato. The Collected Dialogues. Eds. E. Hamilton and H. Cairns, Princeton: Princeton University Press, 1961.

Rousseau, J.J. The Social Contract and the Discourses. London: J.M. Dent and Co., 1973.

Rousseau, J.J. The Social Contract and the Discourse on the Origin of Inequality. Ed. L.G. Crocker, New York: Washington Square Press, 1967.

Contemporary Texts and Collections:

Andrain, C. Political Life and Social Change. Boston: Beacon Press, 1968.

Barry, B. Political Argument. London: Routledge and Kegan Paul, Ltd., 1965.

Barry, Brian. The Liberal Theory of Justice. Oxford: Clarendon Press, 1973.

Beer, Samuel. British Politics in the Collectivist Age. New York: A.A. Knopf, 1969.

Carmichael, D.J.C. "The Limits of Individualism" (Ph.D. Dissertation, University of Toronto, 1978).

Cranston, Maurice and Peters, Richard S. (eds.). Hobbes and Rousseau. New York: Anchor Books, 1972.

Daniels, Norman (ed.). Reading Rawls: Critical Studies of A Theory of Justice. Oxford: Blackwell, 1975.

Downs, A. An Economic Theory of Democracy. New York: Harper and Bros., 1957.

Feinberg, Joel (ed.). Moral Concepts. Oxford: Oxford University Press, 1969.

Feinberg, Joel. Social Philosophy. Engelwood Cliffs, New Jersey: Prentice-Hall, 1973.

Flathman, Richard E. (ed.). Concepts in Social and Political Philosophy. New York: Macmillan, 1973.

Freidrich, C.J. (ed.). Nomos I - Authority. Cambridge, Mass.: Harvard University Press, 1958.

Gauthier, David P. The Logic of the Leviathan. London: Oxford University Press, 1964.

Gierke, Otto. Political Theories of the Middle Age. Trans. F.M. Maitland, Boston: Beacon Press, 1958.

Grodzins, Morton. The Loyal and the Disloyal. Chicago: University of Chicago Press, 1956.

Hanson, D.W. and Fowler, R.B. (eds.). Obligation and Dissent. New York: Little, Brown and Co., 1971.

Harris, Nigel. Beliefs in Society. Middlesex: Penguin Books, 1968.

Hart, H.L.A. Punishment and Responsibility. Oxford: Clarendon Press, 1968.

Hart, H.L.A. The Concept of Law. London: Oxford University Press, 1961.

Kelso, W.A. American Democratic Theory: Pluralism and its Critics. Wesfort, Connecticut: Greenwood Press, 1978.

Lowi, Theodore J. The End of Liberalism. New York: Norton and Co., 1969.

Luce, R. Duncan and Raiffa, Howard. Games and Decisions. New York: John Wiley and Sons, 1957.

Lukes, Steven. Individualism. Oxford: Blackwell, 1973.

Lyons, David. Forms and Limits of Utilitarianism. Oxford: Clarendon Press, 1970.

Macfarlane, L.J. Political Disobedience. Oxford: Clarendon Press, 1973.

Macpherson, C.B. The Political Theory of Possessive Individualism. Oxford: Oxford University Press, 1964.

McPherson, Thomas. Political Obligation. London: Routledge and Kegan Paul, 1967.

Milliband, Ralph. The State in Capitalist Society. London: Quartet Books, 1973.

Nozick, R. Anarchy, State and Utopia. New York: Basic Books, 1974.

O'Conner, J. The Fiscal Crisis of the State. New York, 1973.

Pateman, Carole. Participation and Democratic Theory. Cambridge: Cambridge University Press, 1970.

Pennock, J.R. and Chapman, J.W. (eds.) Nomos XII: Political and Legal Obligations. New York: Atherton Press, 1970.

Pennock, J. Roland and Chapman, J.W. (eds.). Nomos IX: Equality. New York: Atherton Press, 1967.

Peters, R.S. and Benn, S.I. The Principles of Political Thought. New York: Allen and Unwin, 1959.

Peters, Richard S. Hobbes. Second edition. London, 1967.

Plamenatez, J.P. Consent, Freedom and Political Obligation. Second edition. Oxford: Oxford University Press, 1968.

Raphael, D.D. Hobbes: Morals and Politics. London: Allen and Unwin, 1977.

Raphael, D.D. Problems of Political Philosophy. Second edition. London: Macmillan, 1976.

Rapoport, Anatol. Fights, Games, and Decisions. Ann Arbor: Ann Arbor University Press, 1966.

Rapoport, Anatol and Chammah, A.C. Prisoner's Dilemma. Ann Arbor: The University of Michigan Press, 1965.

Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1971.

Richards, D.A.J. A Theory of Reasons for Action. Oxford: Oxford University Press, 1971.

Royce, J. The Philosophy of Loyalty. New York: Macmillan, 1908.

Schneewind, J.B. (ed.). Mill: A Collection of Critical Essays. New York: Doubleday, 1968.

Shklar, Judith N. Men and Citizens: A Study of Rousseau's Social Theory. Cambridge: Cambridge University Press, 1969.

Shonfield, Andrew. Modern Capitalism. Oxford: Oxford University Press, 1965.

Singer, Peter. Democracy and Disobedience. Oxford: Clarendon Press, 1973.

Taylor, Michael. Anarchy and Co-operation. London: John Wiley and Sons, 1976.

Taylor, Richard. Freedom, Anarchy and the Law. Engelwood Cliffs, New Jersey: Prentice-Hall, 1973.

Titmuss, Richard M. The Gift Relationship: From Human Blood to Social Policy. London: Allen and Unwin, 1970.

Waltzer, Michael. Obligations: Essays on Disobedience, War and Citizenship. Cambridge: Harvard University Press, 1970.

Watkins, J.W.N. Hobbes' System of Ideas: A Study in the Political Significance of Philosophical Theories. New York, 1965.

Wolff, Paul. Understanding Rawls. Princeton: Princeton University Press, 1977.

Wolff, Robert Paul. The Poverty of Liberalism. Boston: Beacon Press, 1968.

Wolin, Sheldon S. Politics and Vision: Continuity and Innovation in Western Political Thought. Boston: Little, Brown, and Co., 1960.

Articles:

Aiker, H. David. 'Morality and Ideology'. In Ethics and Society, ed. R.T. de George, New York: Doubleday, 1966.

Barry, Brian. 'John Rawls and the Priority of Liberty', Philosophy and Public Affairs, Vol. 2, No. 3.

Bates, Stanley. 'The Motivation to be Just', Ethics, Vol. 85. October 1974.

Brandt, R.B. 'The Concepts of Obligation and Duty', Mind, Vol. LXXIII, No. 291, July, 1964.

Chapman, John W. 'Rawls' Theory of Justice', American Political Science Review, Vol. LXIX, No. 2, June 1975.

Feinberg, Joel. 'Duty and Obligation in the Non-Ideal World', Journal of Philosophy, Vol. LXX, No. 9, May 10, 1973.

Gauthier, D. 'Rational Co-operation', Nous, 8, 1974.

Hardin, Garrett. 'The Tragedy of the Commons', Science, 62, 1968.

Hardin, Russell. 'Collective Action as an Agreeable n-Person Dilemma', Behavioural Science, 16, 1971.

Hare, R.M. 'Rawls' Theory of Justice'. (Parts I and II), Philosophical Quarterly, Vol. 23, Nos. 91 and 92, April and July, 1973.

Hart, H.L.A. 'Rawls on Liberty and Its Priority', University of Chicago Law Review, Vol. 40, 1972-73.

Lyons, David. 'Rawls Versus Utilitarianism', Journal of Philosophy, Vol. LXIX, No. 18, October 5, 1972.

Minoque, K.R. 'Thomas Hobbes and the Philosophy of Absolutism'. In Political Ideas, ed. David Thompson, London, 1966.

Nagel, Thomas. 'Equal Treatment and Compusatory Discrimination'. In Equality and Preferential Treatment, Princeton: Princeton University Press, 1977.

Nisbet, Robert. 'Rousseau and Equality', Encounter, Vol. 43, No. 3, September 1974.

Nozick, R. 'Coercion'. In Philosophy, Politics and Society (Fourth) Series), eds. P. Laslett, W.G. Runciman, and Q. Skinner. Oxford: Blackwell, 1972.

Panitch, L. 'Ideology and Integration in the Case of the British Labour Party', Political Studies, Vol. XIV, No. 2, December 1971. Oxford: Clarendon Press.

Pitkin, H. 'Obligation and Consent'. In Philosophy, Politics and Society (Fourth Series), eds. P. Laslett, W.G. Runicman, and Q. Skinner, Oxford: Blackwell, 1972.

Rawls, John. 'Two Concepts of Rules', Philosophical Review, Vol. XVII, January 1955, p. 3-32.

Shklar, Judith N. 'Jean-Jacques Rousseau and Equality', Daedalus, Vol. 107, No. 3, 1978.

Singer, Peter. 'Altruism and Commerce: A Defense of Titmuss against Arrow', Philosophy and Public Affairs, 2, 1973.

Tuck, Richard. 'Why is Authority Such a Problem'. In Philosophy, Politics, and Society, eds. P. Laslett, W.G. Runicman, and Q. Skinner, Oxford: Blackwell, 1972.

Williams, B. 'Rawls and Pascal's Wager', Cambridge Review, February 1975.